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The Rev'd J. Moodie
with Mss Comments
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To the Editor of the Natal Witness.

January 17th, 1859.

SIR,—I am desirous that the enclosed paper, which the late Legislative Council declined having publicly read, but which, with permission, I laid on the table just before the prorogation, *should now be laid before the public.*

I wish this paper published, not only on my own account, but also on weighty public considerations.

It has been very *untruly* stated (of course anonymously) in the *Mercury* of the 16th December, that the Council had "declared" my lecture to be "libellous;" a proceeding not less generous than that of the member who as I subsequently learnt) mumbled something of the kind *in my absence.* The inference attempted to be conveyed is, that, in my apology to the Council, for having, *on the 30th April last, put a different construction on the 14th Rule to that subsequently put on that Rule by the Council,* I had retracted, or shrunk from what I had publicly written.

That this is *untrue* appears from my official letter of 31st October (published in your paper at the time), in which the truth of what I had written was *re-asserted,* having been read to the Council and laid on the table by myself, long *after* the acceptance of my apology.

That it is untrue, *in the opinion of the Editor of the Mercury,* appears from his having, on the 27th November, said, "We think the Council failed in its duty in not taking cognizance of the subject matter of the offensive letter;" an opinion in which I entirely concur, and *the electors cannot fail to concur in it also,* if you will now lay before them, in the enclosed paper, that vindication of my proceedings which I was not permitted to read—but on which, as it had been read by a majority of the Council, I did not sufficiently insist.

In that paper I had fully gone into "the subject matter of the offensive letter," and, as I think, proved undeniably, that I would have failed in my duty to the nation, and to the colony, unless I had so denounced the disgraceful and dangerous policy advocated in 1853-4.

Had "the Council gone into the subject matter" of that letter, it would have been ascertained whether, as has been alleged, the policy referred to had been really "adopted and endorsed by a solemn and mature act of the legislature."

My allegation is, that that policy, whoever may adopt it, would be *disgraceful to the nation and ruinous to this colony,* and this, I think, is sufficiently demonstrated in the enclosure.

That policy, recently condemned by Her Majesty's Government, was advocated in the address of the 10th April last, to which the recent despatch was the reply.

The electors are, therefore, interested in ascertaining before the ensuing elections, *whether that policy is to be adopted and endorsed by their future representatives also.*

I am, Sir, &c.,

D. MOODIE.

PRESENTED 14TH DECEMBER, 1858.

Extracts from notes (dated 25th October, 1858) [which have been perused by most of the members], laid on the table by the Speaker of the Legislative Council, with permission, 14th December, 1858.

I observe that some parties, interested in the contents of the papers censured in my letter of the 30th April last, represent that act as "*an outrage on official propriety and decorum,*" as "*dishonorable,*" as a "*betrayal of trust,*" and as "*a covert act,*" done by me "*as the mouth-piece of the Council.*"

As others, unaware of all the circumstances, may have been impressed by these, and similar partial statements, I feel it due to them, and to myself, to state *my* view of the matter. I concieve that, whatever might have been the merits of my letter, could it have been mistaken by *the Government* for a letter written by me *as* the organ of the sentiments of *others,* it was, by the only rule known to me on the subject, as open to the Speaker, in his *individual* capacity, as to any other member, to state his opinion upon any public matter, either in or out of the Council.

I was further of opinion that, after having, first on the 8th April, 1857, and again on the 8th June, 1857, made known in the proper quarter, the very material facts which were in my *almost exclusive* knowledge, as to the frequency and solemnity with which the public faith had been pledged *by me,* and after having, on the last-mentioned date, unmistakeably intimated that "the point at which longer silence would, in my opinion, have been *criminal,* should not be passed, it was a duty peculiarly incumbent—or rather *forced*—on me to prevent Her Majesty's Government from being conducted to the erroneous conclusions—

First, that the public faith had *not* been pledged to the natives; and

Second, that the Council was aware of the contents of the papers it had consented to recommend, and had thus maturely adopted the views and sentiments contained in them.

I *did,* and the unofficial members *did not,* know that these recommendations might involve a breach of the public faith, which they would have been the last to sanction *knowingly,* and which, in my opinion, would have been no less ruinous to this colony than nationally disgraceful.

Some days after I had signed the address, and (although unaccompanied by the usual address to the Governor) had directed it to be sent to the Colonial Office, I heard that it was about to be forwarded notwithstanding, and *then* arrived at the conclusion that, consistently with honor and with duty to *the Council,* to the public, and to myself, I had *no choice* but to request that it should be accompanied by a distinct expression of my *individual* opinion, in the capacity in which I had previously given that opinion on *three* several occasions, and all *in vain.*

First, to the Council, in committee, on the 8th April, 1857; second, to the public, in my letter of the 18th June, 1857; and third, to the Council on the 10th April, 1858; all, as it appeared to me, in conformity with the rule that "*when the Speaker wishes to address anything particular to the Council, he is to leave the chair, and speak from the floor of the house.*"

When, on the first of these occasions, my more perfect acquaintance with the subject enabled me (truly, as proved by the result, but) vainly, to warn the Council in committee that they would only be exciting hopes that could not be realised, by recommending that land should be granted in a native location (this I *did,* and they *did not,* know would be a breach of faith), it does not appear to have occurred to any one that I was not strictly in rule.

So, also, I acted according to rule, and unblamed, when, on the 10th April, 1858, leaving the chair, I vainly warned the Council against recommending papers of which the contents were known to *me,* but unknown to *them.*

I was equally unblamed when, on the 18th June, 1857 (in consequence of my failure in April, 1857), I publicly indicated the pages in the Ordinances, where might be seen the pledges to which I had vainly appealed, and when (after stating that they had been signed by myself under due authority), I

said, "they have not been forgotten by the natives, nor by *those* whose duty it was to stake those solemn pledges of the national honor, and to enforce them by their own assurances of their inviolability."

A more intelligible intimation could not have been given, that "having been *personally* concerned in making the pledges referred to, I could not be expected to be an indifferent spectator, should they, through ignorance or otherwise, be departed from."

It was not anticipated that the *truth* would be unwelcome, and by accepting an invitation "to give the colony the benefit of my experience," I felt bound to do so, on this occasion, in the only manner *then* open to me.

I had not voluntarily incurred any obligation depriving me of the right to express my *individual* opinion upon any question; my next letter, therefore (of the 30th April) conveyed to the Government (after the prorogation of the Council) at once the *evidence* of the late Secretary to Government, and the *opinion* of the Speaker--still in his individual capacity—that certain papers (incautiously recommended in an address which he had recently signed in a different capacity) suggested measures which (though that was unknown to the Council) were inconsistent with the public interests, and the national honor.

If it were meant to convey, by the words "mouth-piece" and "salaried servant" of the Council, that I had abandoned my right to express my *individual* opinion, I refer to the rule above cited.

The same opinion that was vainly expressed from the floor of the house on the 8th April, 1857, and 10th April, 1858, was urged on attention elsewhere on the 30th. Still more *individually*, and still more "from the floor of the house," (for the session having terminated twenty days before), I was *then* still less the Speaker in the chair, and still more the Speaker "on the floor of the house."

If, on the other hand, it be argued that, by signing as "Speaker," I signed as "mouth," or "organ," of the Council (that is, wrote *in the name* of the Council) the tenor of the letter is the best reply; for, purporting to convey the sentiments of none but the writer, it expresses entire dissent from the act of the majority, in so far as concerned the facility with which they had been induced to lend their countenance to papers which I *did*, and they *did not* know, to be at once injurious to the character of a former administration, of which I had been a member, and fraught with disgrace and danger to the colony.

The allegation that the act was "covert" is equally untenable. It was made known *solely* by myself, and the whole proceeding was as open as I could make it. Indeed, I said publicly on the 31st May, that my resolution to publish the facts had been announced in a "letter which accompanied the address (when sent *by*, not *to*, Government) to the office of the Secretary of State, and which conveyed my very unfavorable opinion of the papers which I might, otherwise, have been understood to recommend."

My letter was, in short, written under a full impression (unaltered by any argument I have as yet seen) that I had a perfect right to express the *individual* opinion of the Speaker, and that, had my letter not been written, I should have failed to discharge a duty to the *nation* at large, to the *colony*, and to *myself*.

To the *nation* and to the *colony*, because it had been laid down, on the highest authority, that as "the future peace, perhaps the existence of the settlement, depends upon the manner in which native rights are dealt with," the most rigid good faith should be observed in all land transactions with the natives, not only because such was "essential to justice," but also as "all important to British *interests*." And again to avoid giving even "the *slightest* ground for such a reproach," partly because to incur it would be "to lose one of the main elements of *our power*."

The same ground, of national *interest* as much as national honor, had been urged on the spot, by a royal commission, and by local writers.

"As essential" (said the former) "both to justice and to the maintenance of *good feeling*." "Both on the higher ground of national honor, and the lower one of national *safety*," said the latter.

There is not, and indeed there cannot be a second opinion on this point, the best proof is that the very report which I have seen so much occasion to censure in other respects, lays it down that where the interests of the *individual* are concerned, "the only seemly and safe course is to perform every thing he promises to the letter."

That niether the report nor the dispatches recommended in the address say anything of the expediency of maintaining the *public* faith, does not injuriously affect my *plea*, and it supports my argument for:—

If the great body of concurrent documentary and oral evidence given in 1853 (confirmed by the tacit admission of the parties) is to be believed, the measures recommended in these papers would amount to a very dangerous breach of the public faith.

As the writer of *nearly* all that documentary evidence, and the organ through whom were made *all* the promises referred to by the witnesses, I had the best means of knowing that evidence to be true; and knowing this, after having twice asserted it in vain, I deemed it a *public* duty to prove it. But, if this was a duty to the public, it was still more a duty to the unofficial portion of its legislature, because I had witnessed the process by which the local public had, about seven years ago, been conducted to the erroneous, and, as I thought, dangerous conclusion, that no valid pledges had been given to maintain the natives in possession of their lands, and that to insist upon the validity of such pledges was merely "factious."

I did not expect an agreeable or an easy task, but beyond the natural objections of opposing theorists, I did not anticipate any reluctance to receive new facts.

The unofficial members were fully justified in believing that the public faith had *not* been effectually pledged,—but, before showing this, I shall show that such was their belief, on the 8th April, 1857.

On that day (as may be seen from the printed minutes, p. 50) the council being in committee, I supported my objection to a report recommending that land should be granted in the Umlaas native location, by reading (as follows) the very same objections which I had *successfully* urged upon the attention of Lieutenant Governor Pine, on the 3rd September, 1851, when he was still more inclined to encroach on the same part of the same location, for that was, I believe, the fourth attempt he had made to gratify Mr. Byrne at the expense of the public; all of which, like this, had yielded to my legitimate objections. I say "still more inclined," because, after a fifth attempt (on the town lands of Durban) had been defeated by the inhabitants of that place, all opportunity for objection was avoided by selling land in another native location, without, as before, asking the advice of the Council, and against very earnest remonstrance.

In reply to the question—"The Lietenant Governor informs the Council * * that Mr. Byrne, tho holder of three-fourths of the drawbacks * * has proposed that certain land—20,000 acres on the Umlaas—forming part of the Kafir location, should be sold, asks the Council whether this land should be sold?" I (when duly called on) said—"I object to the deduction propsed by Mr. Byrne for his own advantage; such a measure would destroy all confidence of the natives in the Government. * * I strongly object to the system of taking away from the natives for our own convenience; bit after bit of the locations into which they have been forcibly removed, and where they reside, as they think, upon the faith of the Government," Adding (with reference to a proposed distinction in favour of aborigines)—"However proper it would have been to draw, if practicable, such a distinction

before the locations were formed, to attempt to act upon any such distinction *now*, four years after the locations were first declared by this Government, and more than two years after they were confirmed, under the recommendation of the Land Commission, by a proclamation of the Lieutenant Governor, with the approval of His Excellency, seems to me to be altogether out of the question."

* * * *

These objections were successful, *four* years after the locations were formed, apparently because Mr. Pine *knew*—at least he had, just before, virtually declared by proclamation (of 11th August) that the public faith had been pledged. The same words (that is, my words, without the question) were read to the Council on the 8th April, 1857, when the natives had held the same lands for ten years, and *unsuccessfully*. Though late Secretary to Government, and then Speaker of the Council, my amendment, though duly seconded by Dr. Johnstone, and certainly not withdrawn by me, was not even put, accord ng to rule, apparently because the Council did not (like Mr. Pine) know that the public faith had been duly pledged; at least the Council, in common with the public, had, years before April, 1857, seen, in the words and acts of the Executive, more than enough to satisfy them that no valid pledges had been given to the natives.

They had ample grounds for this opinion as early as the 14th April, 1851, when, as directed, I officially offered to the well-known Rev. Mr. Dickson, as the agent of Mr. E. Chiappini, a purchaser of claims considered by Mr. Pine (1st November, 1850) "no longer claims to the land itself," but naked claims on the Government for compensation;—amongst other alternatives, to restore the land itself, though in a native location. On his selecting that alternative (23rd May), and demanding that the proper officer might be directed to put him in possession. I was further instructed (23rd June) to convey to him, in reply to the request of the Lieutenant Governor, that he would await the result of an intended recommendation to the Secretary of State to restore all lands similarly circumstanced.

When the connection of those parties with the public press is considered, I need hardly say, that from the 14th April, 1851, downwards, no man in Natal, who had not been a member of the first administration, or who was not otherwise personally cognizant (as were Messrs. Shepstone, Boshof, and a few others) of the circumstances under which the natives had been located in 1846-7, can be justly blamed for believing that the public faith had not been pledged, which belief was necessarily most strongly entertained by the members of the Native Commission appointed in September, 1852.

It was on the 31st October, 1851, in the interval between the seizure and the sale of land pledged to the natives under my signature, that I (consequently well aware of the true facts) vainly (and for myself ruinously) urged upon attention "successive pledges to the natives, of the dates noted in the margin, the sanctity of which pledges had been frequently impressed upon their minds (chiefly through the agency of Mr. Shepstone) by the words and acts of the former authorities, who, in whatever light their proceedings may be now viewed, through the medium of erroneous or imperfect information, granted these pledges in Her Majesty's name, and with subsequent approval, and who may, therefore, be held excusable, their personal character in the eyes of the natives, and their consequent influence, being thus involved in the preservation of the public faith—perhaps of the public peace—in endeavouring to bring these circumstances under the early view of Her Majesty's Government." This may convey a sufficient knowledge of the motives and feelings which actuate those who make such appeals. * * *

I have sufficiently shown that the Council were justified in believing that no valid pledges had been given to the natives, and I have also shown (by the unsuccessful result of my assurances to the contrary on the 8th April and 18th June, 1857) that the belief had taken such firm possession of their minds, that nothing short of actual demonstration could be expected to efface it; for when I had vainly produced the objections which had been successfully urged in 1851, I had offered the best proof possible; and I consequently withheld the notice of a motion, long before prepared, to request His Excellency to put an end to the doubts which then agitated the native mind, conceiving that the inevitable rejection of such a motion (or even any appearance of doubt on the subject) would be still more mischievous than the existing uncertainty.

* * * *

But I had a further reason for writing that letter. The Council were not aware that, in recommending those unread dispatches, they were virtually adopting measures physically impracticable.

They were probably aware of the general tenor of the "report," but they can hardly have been aware that it was only subject to "the modifications suggested by" Mr. Pine, that he then expressed his earnest hope that the suggestions of the report might be sanctioned by Her Majesty's Government and speedily carried into operation. (The requisite means of military coercion was urgently solicited at the same time.)

Still less could the Council, or even mover of the address, have known, before this moment, the astounding particulars of the proposed modifications, which are thus explained in the 55th and 56th paragraphs of the despatch of 5th September, 1854.

"The native population may be stated, in round numbers, at 100,000; and supposing 30,000 to emigrate with Mr. Shepstone, it will be necessary to provide land in the district for 70,000, and would, at the rate I have mentioned, require about 490,000 acres."

"Supposing, however, none of the natives felt inclined to remove, which is very improbable, the extent of land requisite for their location would be about 800,000 acres."

This is considerably less than the extent of the present locations; but considering the great quantity of barren and useless land contained in them, and the superior kind of land proposed to be given in exchange, I conceive this arrangement would be in every way liberal; in fact, viewing it as an ordinary case of exchange, the natives would be great gainers by it. * * *

"As to the extent of each location, I think no one should exceed 50,000 acres. This would necessitate an increase in the number of locations; but I think that is desirable, and that they should be dispersed at intervals, among the settlements of the white inhabitants."

Now we can all examine the map, and say where at least sixteen new locations, or one of them, is to be placed, "among the settlements of the white inhabitants."

We may also see, in the Parliamentary papers, the difficulty encoutered by Mr. Byrne's agent in 1849 (another million of acres having been granted in the interval) in finding *any* arable land fit for subdivision "among the settlements of the white inhabitants."

We may also see, there, in Mr. Pine's despatches of 30th August, 1850, and 11th October, 1851, *his own* account of the physical impracticability of his present scheme, *bearing in mind the proportion of arable land it demands*,

"At the latest of these dates (he says), from the physical formation of the country, not more than 200 acres ont of every 6,000 acre farm, taking the average of the whole district, is capable of being brought under tillage." While, in the earlier, he lays it down that—"The first and fundamental error of Mr. Byrne's scheme is, that it is based on a mistaken notion of the physical nature of the district. It is founded upon an opinion that the country is capable of being divided, for agricultural purposes, into allotments of twenty acres in extent. No opinion can be more erroneous, and I cannot help expressing my surprise that it should have been entertained by any one who had visited, and even superficially examined, the district."

Mr. Pine was supported in this opinion by the re-

port, just received, from the immigration agent, Mr. Macleroy, who said, "no one, who has seen much of this colony, can fail to be convinced of the impossibilty of whole farms being cut up into twenty acre allotments, with any chance of * * earning a bare subsistence." "The scheme is so impracticable in its character, that it seems strange it could have been entertained."—(pp. 1851, p. 38.)

Four years after writing these words, the same writer proposed that the sixteen new locations "should be allotted on the same plan of giving separate portions of arable land to each family, with grazing ground in common. This is, indeed, the most advantageous method of laying out farms in this district, unless they be of very great extent. Thus 100 families would be given 5,000 acres; of these, 2,000 might consist of allotments of 20 acres of arable land, the remaining 3,000 acres of grazing land to be used by the 100 families in common."

Sixteen locations of 50,000 acres each, are to be found, having a proportion of arable land just *twelve* times greater than "the average," and they are to be found "amongst the settlements of the white inhabitants," where it had been repeatedly demonstrated that no *such* land, and no considerable extent of *any kind* of land was to be found.

This had been demonstrated, on good authority, in September, 1851, when Mr. Pine's proposal to sell a portion of the Umlaas location, was thus ably seconded by the acting Surveyor General—"It is my deliberate opinion that no land of a marketable value *i.e.*, at the crown minimum of 4s. per acre) is to be found elsewhere (than in the location), except by selecting a few acres in one spot, and a few in another, or on town lands or crown reserves, known as town lands, the sale of which, by the Government, cannot fail to be productive of serious discontent and heart-burnings amongst the European inhabitants."

These facts, being palpable on the face of the map, it may be asked, *for what end* was it proposed to break faith with these people, if not to restore to them all the choicest portions of the open country, ftom which they had been, with much pains and difficulty, removed for our accommodation in 1846, and that, too, after the bulk of the open country has been granted to those who will not abandon their rights without pecuniary compensation.

It was, and still is, my belief that the Council did not intend to recommend measures so ruinous in every point of view, and I deemed it my duty, to them and to the colony, to state that belief.

Such are the circumstances under whlch my letter of the 30th April was written. I have furnished *some* necessary truth, and, holding myself entitled to the approval of all who think with me that the public faith should be kept, I could not desire a higher compliment than the disapproval of such—*if any such there be*—as do not hold that opinion.

(Signed) D. MOODIE.

25th October, 1858.

In the paper from which, with some slight alterations, the above extracts are taken, I had advanced the position that "no duly authorised agent, who has not exceeded his orders, can be deprived of the right to appeal to his principal to redeem the promises made in his name."

As the Council have decided that I had misconstrued the 14th rule in addressing the Lieutenant Governor, and as I have bowed to that decision, it seems to follow that I should look to *them* for that just support which it has been held that I should not have sought elsewhere.

I deem it right, therefore, now to repeat the statement contained in my letter of the 31st October (read and laid on the table since the acceptance of my apology for misconstruing that rule), namely, that I still believe all the printed statements contained in tho printed enclosure to be true; that I am ready and willing to furnish any further proof or explanation that may be required, and in particular that *since* preparing that information, I have perceived in the papers laid before Parliament and the Local *Government Gazette* much additional proof, of the most conclusive character, which, if permitted, I shall lay on the table of the Council as soon as possible.

D. MOODIE.

December 15th, 1858.

To G. C. Cato Esq Durba

LECTURE,

P. 10, 26

Delivered by the Hon. D. Moodie (Speaker of the Legislative Council of the Colony of Natal), in the Government School Room, Pietermaritzburg, on the 31st May, 1858.

"On our Domestic Relations with the Natives in Natal."

N.B.—As the object in this lecture is the establishment of the truth on its subject—and as it will occupy some weeks in printing—I beg to draw attention *now* to the following passage—which will appear in its proper place, in due course.

When mentioning my intention to place in an appendix—"a few extracts from the historical portion of the papers submitted to the Duke of Newcastle, in 1854, to which the attention of Her Majesty has been recently invited," I added, "If Her Majesty's Government were correctly informed, in 1854, that 'the report of the Kafir Commission of 1853, was, not only unanimously adopted by the (21) unofficial members,' but that it also 'exhibits the views of the most intelligent part of the community,' many able men are at hand to supply my omissions, or to vindicate, if they will, such "opinions," or "suggestions," as my present purpose does not oblige me to notice. Were I to enter upon these now, I should needlessly deviate from that purpose; only to demonstrate that, though many of the "opinions" referred to are attributable to the want of due informotion, the "suggestions contained in it," and more especially "with the modifications suggested by "Lieutenant Governor Pine, are of such a character that their physical impracticability, is only to be equalled by their moral atrocity.

While this is printing, however, I shall gladly insert any extract deemed material.

The lecture is printed verbatim as read—and all subsequent additions will be placed within [ ].

D. M.

Circumstances have induced, or rather constrained me, to lay before you some exact information, apparently much required here, respecting our domestic relations with the Kafirs (as we call them) amongst whom we live, and especially respecting what are called their locations.

My attention has long been directed to such subjects, generally, but it is chiefly as an agent in the land transactions which took place between the local Government and these people, during the administration of Mr. West, from 1846 to 1849, that I now address you.

Mr. Cloete has furnished some valuable details of the events which arose out of the migration of many frontier Boers from the Cape colony to Natal, about twenty years ago. Though I do not agree with him on every point, I propose to take up the thread of his narrative, and to detail, however unequally, those which followed; down to the death of Mr. West, in August, 1849; perhaps occasionally bringing to bear upon my subject, such information as I had previously collected, in office on the Cape frontier; and, especially, while employed, by authority, to compile, from the public records there, all that concerns the condition and treatment of the native races.

It has been—and not unreasonably—objected to my frequent reference, to this last source of information, that it was but natural that I should dwell much on the importance of facts collected by myself, and which I hoped to be employed in publishing.

I tried to remove such objections, twelve months ago, when I made an offer to place all my facts at the disposal of the Cape Parliament, in order that they may speak for themselves, when fairly published by others.

I have also been charged with the offence of "Afrikaanderism;" that is to say (as I understand the charge), with partiality, or a wish to seek popularity, or favor, among a portion of the colonists. This is, however, a charge from which (if public sentiment is fairly represented) I may hope to be speedily acquitted. I am unconscious of having used the information I have gained, for *partial* purposes. It is true that I have disproved much that has been charged against these people, for party or personal purposes; it is true that I said, in my last lecture, and elsewhere, that my compilation proves that the said "Afrikaanders" never drew on the Cape colony the hostility of the tribes by taking their *cattle*—though high authority had affirmed that opinion—but I have nowhere said, that they never provoked hostility by taking *land*—a distinction that should be better understood everywhere, and *never lost sight of in Natal.*

It was ever kept in view by the late Mr. West (who was of course entitled to the best services I could render), towards the attainment of the great object of his—as of every good government, the preservation of amicable relations with the native races.

Years before I could read the language in which those papers are written, I had seen around me numerous proofs that the white man had suffered

severely for his own neglect, in not securing land rights to the native races individually. Those papers only satisfied me that the same neglect had produced the same results *throughout*—from the year 1652, when a contemporary of our Oliver Cromwell landed in Table Bay,—to the year 1858, when you hear this in Natal.

This may not sound equally musical in our ears, but I think it equally true, as a *general* position; for it does not apply alike to varying circumstances—to all times—nor, with equal force, to tribes differing in their moral characteristics, no less than in race.

Two main considerations which actuated Mr. West's Government, cannot be too soon, or too distinctly stated—1st. *None of the aboriginal races known at the Cape were, from their previous habits or natural circumstances, so well prepared as the Natal Kafirs for acquiring the notion of individual appropriation of land.* (I pause not to prove this, it is palpable to the most ordinary understanding, on the face of the evidence.)

2nd. *No where in South Africa, except in Natal, did the British Government then possess the means of neutralizing this* teterrima causa *of war between races—by extending the right of individual property in land to the native races, to an adequate extent.*

These views were not formed in Natal. I said, in my last lecture (in January, 1857) that they had been submitted to my superiors in 1830, from Graham's Town, and in 1835, from Graaff Reinet. I might have added that they were frequently, or rather ceaselessly, urged during the interval, in reports which, as Protector of Slaves, it was my duty to submit when these were about to be freed.

When I added that "they had been fixed and corroborated by the subsequent study of the records of two centuries," I alluded, not only to the facts which had appeared in the published portion of those Records, but also to the contents of many unprinted papers.

To such facts, for instance, as the discovery, in 1635, before a single colonist lived out of sight of Table Mountain, of the necessity of making some timely provision to prevent "the indirect expulsion of the natives," who in selling their land, insisted on reserving a common right of pasture;" to such also as that disclosed by a paper of 1770, which, after a fruitless search elsewhere, was at length found at Swellendam, and which may now be seen, in its moth-eaten condition, in its place among the printed records; and which, while it proved that the Kafir race had not then spread so far to the westward as Fish River; proved also, that a Hottentot tribe was then ordered, by the Magistrates of both the country districts, to *trek* from near the Gamtoos, for the good colonial reason, that, "having too many cattle, they interfered with the pasture of *our* inhabitants."

Too much must not (as usual) be inferred from instances, for Hottentots might, and some of them did, secure the exclusive use of land by leases, like others—and their exclusive right to the pasture near fixed kraals was generally maintained, without payment, when known, or pleaded.

When I further said that "my views had been strengthened by the progress, and *confirmed by the failure*, of the Kat River settlement," I alluded to the well meant, but, as I think, fatal error of sowing, in "fettered or untransferable titles to land," the seeds of rebellion, an error which I had endeavored to demonstrate to a commission of colonial inquiry, as early as the year 1823—a copious extract of my communication may be seen in Thompson's Travels in South Africa (ii, 151).

It was there shown, from instances presented in America, that fettered titles were tending to destroy even the civilized settlement of Albany, where the advantages of land appropriation were well understood, and duly appreciated.

These views have been slighted here as "antiquated," and as "the reveries of philanthropy" I could easily show that the countenance they have received from several high names is equally "antiquated," and I trust that my philanthropy is not a pretence. But it is more to the present purpose to state that—after much discussion from 1830 to 1843-4 it was a rule, prescribed for the guidance of the Natal Government, long before its establishment, that "should the natives apply for grants of the lands they now hold, or may hereafter occupy, or if the Government should consider that the issue of them will afford greater enjoyment and protection to the native, in his possession, they will undoubtedly receive them, precisely as would the farmers, or any other persons."

That the remoter objects of this policy should be at once perceived and appreciated here, would be too much to expect; when we find that the laws of land appropriation are imperfectly understood, even in countries where those of free trade, in other articles than land, are fully appreciated.

But it is not *in the nature of things* that they should be readily perceived by the majority of *one* class of our population.

I have elsewhere shown, perhaps *ad nauseam*, that by monopolising an undue share of the fruits of European industry, the *commercial* tyranny of the country, that nursed *political* freedom in Europe, left its white helots in South Africa absolutely *no choice*, but, in the words of their local authorities," to seek the means of subsistence with their cattle in the interior, in the native manner," or *starve!* and discovered, when far too late to apply a remedy, that in the course of a few generations, their nomad victims compelled to become monopolists, *of land*, in their turn, had naturally, and almost instinctively, followed the noses of their cattle, until, in the words employed by their distant directors, in January, 1794 (just before the English captors found that 15,000 whites, and and an equal number of slaves, had spread from the Cape Peninsula to Fish River). "They have penetrated into countries to which they cannot advance the slightest claim, and where, consequently, they are rightfully resisted."

I formerly observed that the most instructive book I had seen on *this* kind of colonization was the Cape *Wiltshut* (or huntsman's) *Boek*, showing, with the dates, all the stations successively occupied in the in the interior by "European enterprise." The "enterprise" of each man's live stock requiring from 6 to 100,000 acres or more. That book has never been printed. But since my recent return to public life I have seen surely (the worst printed) but the most important on the subject—the evidence (not the report) collected by the Natal "Kafir Commission" in 1852-3. The former contains dry, but very important facts. But had the latter *priceless repertory of opinion*, been laid before Parliament (as I trust it yet will be, and in a more intelligible form) the distant philosopher—while he smiled at the latent drift—or patent drollery of some of our Anglo-Natalian suggestions, might well be excited by those of some of our Dutch friends, into searching for the remote origin of such sentiments, when he would be amply rewarded by finding that these were the necessary and inevitable result of antecedent circumstances.

He would soon perceive that the industry of those men's progenitors, had been, not merely discouraged, but prohibited, that, to starve out rival trade, colonial *industry* (true "enterprise") had been starved.

That always forced to deliver their produce at nominal prices, fixed by the buyer, they had at length been prohibited from growing more than would meet that miserly demand—lest some of the overplus should be smuggled to the English ships for the refreshment of their scorbutic crews!

He would witness the applcation of the lash to the broad shoulders of the burgher, for the shocking moral enormity, of "seducing the affections of the natives from their lawful masters, by paying them, for the articles they brought for sale, "five times," or—still more atrocious—"ten times," the price fixed at the Government shop!

Unsatisfied by such facts, he would go further, and searching for the practical results of this policy, he might discover, that the great grandfathers of the present Natal Boers (certainly of some, but probably of all, for the names are the same) who, a century ago (1748), had reached Swellendam, thence humbly submitted to the local agents of their mer-

cantile masters — that, unless allowed somewhat more than four rix dollars for a fat ox! and half-a-dollar for a sheep! they could in no way contrive to pay the exorbitant prices demanded for imported articles, by the sole importers, especially for the iron, without which they could not build the nomadic dwellings called "wagons;" and that they were informed in reply, that prices were fixed by higher authority, and that such remonstrances were got up and delivered in a manner highly seditious and punishable, softened, however by the fatherly counsel to convey their produce (to the Company's stores) on the backs of their oxen, and thus be enabled to dispense with wagons!

We would smile at such threats, well knowing that they cannot be executed, except after legal prosecution, followed by conviction. But those men were taught, by bitter experience, to associate with them summary banishment without trial, and enforced service in India as soldiers or sailors.

Some of our moral perceptions really seem to require a touch of caustic from another hemisphere!

Is it again seriously asked what have these "antiquated details" to do with the Natal Boers of the present day? My reply is—Thirty years later (in 1778) the *Oosthuisen's*, and *Van der Westhuisen's*, *Labuscagne's*, were at the Great Fish River—now they are *here*, in Natal, and many of them have gone further still, perhaps without faring better.

According to the evidence, they did not advance to take cattle, but—unless their cattle lived on air—they could not have driven them so far, without frequently depriving others of the undisturbed use of their *land*, and thus producing the alienation that, sooner or later, ends in war.

Their presence here is, we are told, "a great fact." *Our* presence here is surely a greater, and it is a greater still, that *others* are here, far outnumbering us both.

Whatever either they or we may think or say, "there is a world elsewhere," where the rights of those men to a fair share of *this* soil, will not only be recognised, but deemed at least equal to our own.

"European enterprise" must be presumed to have European common sense; let him then gird up his loins, and meet this true European argument. Some of these natives have crossed the Tugela, but none of them have crossed the Great Orange River, or the Atlantic!

We have seen no proposal of any material change here, that was not professedly contingent upon the doubtful result of an application to other quarters of the globe, for some kind of extraneous assistance—a result daily becoming more doubtful.

This should induce us to look our circumstances *fairly in the face*, and surely not without some reference to influential opinion elsewhere.

I propose to furnish a full and fair account of the land transactions with these natives during Mr. West's administration, not from any peculiar sources of information, but from papers printed in England, with the *very material* assistance of others printed here, by the local Government of the time, in the newspaper which then served the purpose of a Government Gazette, and of which the most material have been officially reprinted, under a succeeding administration, whose evidence also is thus rendered available.

The accompanying explanations are, of course, my own, chiefly recollections suggested by the reperusal of papers, almost all of which were written by myself, mostly under direction.

Several members of the same administration are yet on the spot—they are in a position to correct any material error, or to supply any material omission, and, as I have had no reference to unprinted papers, such may, no doubt, be found—which I shall gladly admit and correct.

I believe, however, that all my *main* positions could be materially fortified, by such reference, and that none of them could be shaken.

Though I did not leave office till the end of October, 1851, I shall confine myself to the date I have stated, and chiefly to what should suffice to remove the erroneous impression now notoriously prevalent here—namely, that *no valid pledges have been given by this government to maintain these natives in the possession of their "locations."*

It is not my present purpose to show the origin of this popular error—enough that, knowing it to be such, and believing, moreover, that Natal does not now contain a single individual responsible for it—at least in the first degree—I may spare myself, and others, the pain of citing proofs from what has been said or written on the subject. [These are at hand if required.]

To show, however, that I am not fighting a shadow, I shall cite a few words recently extorted from *myself*, in which the opinions from which I dissent are sufficiently reflected.

In February, 1857 (after some years attention to other matters than the current local politics), perceiving that popular opinion—yielding to certain impulses—had, in the interval, taken what I thought a wrong direction, I saw occasion (in some sharp practice on the hustings) to say, in print, to the electors:—"Gentlemen,—Some of my explanations to you * * have been misunderstood, even by my friends. An elector asked me—'*Are you or are you not pledged to support the Shepstonian system of Kafir locations?*'" Without stopping to examine the propriety of the designation, I answered to the effect, that I was pledged to no system that would separate the interests of the Kafirs from those of their fellow-subjects [a placard had asked—"Will you vote for the man who holds that the present immense locations should be divided, and made a present to the Kafirs, individually, that they may sell to the white man, and thus put your money in their pockets, and *rob you of the finest lands in the colony?*" This was of course to serve an immediate purpose—the "*squib*" was ephemeral—how is it with the *sentiment?*] and endeavored to explain how enabling them to become the holders of transferable land, would tend to give them a stake in the country, a joint interest with ourselves in the support of the laws; but I was not so cruelly unjust as so to designate the arrangements of superior authority, carried out chiefly through the gentleman indicated by the words of the question.

"I touched on the measures, in which I have, for the last thirty years, thought that the elements of future security and prosperity might be discerned; as well as on the means of avoiding the unfriendly relations which have elsewhere arisen with other portions of the same race.

Some of my late interrogators have not witnessed the events to which I allude. I have both witnessed them and traced them to their origin; and the best return I can make for the praiseworthy frankness displayed to myself, is seriously to suggest that there *are* quarters in which a certain train of feelings is more easily excited than allayed; and that we may live to rue the day on which we hastily arraigned a policy of which we had not been taught the value by personal experience."

No peaceful policy can *possibly* succeed here until the strange hallucination noticed in the last paragraph has been dispelled. I last year made one vain effort to dispel it, and shall elsewhere make another.

[The recently landed emigrants were the *unconscious* victims of the political devices resorted to, in October and November, 1851, in order to conceal the proceedings of the period, of which the true character is still unknown, either in Downing Street or here.]

I shall also elsewhere attempt some further demonstration of what I deem the advantages of giving land titles to natives (*should such be necessary*, for I observe that other minds are now occupied with the subject).

Our present concern is with "the Shepstonian system of Kafir locations," that is, with the *fact* of their establishment, as recommended in 1843, and sanctioned in 1844, and not with the policy of the measure.

I had not long occupied the Speaker's chair, before I discovered what was meant by "the Shepstonian system," [and by robbing *you*"] and per-

ceived that [as I had signed all the notices which "formed" the locations] it might become especially incumbent upon me to endeavor to set the public right upon this point, unable also, in that neutralised position, to render the information I had acquired in office, otherwise available to the public interests.—I [after having exhausted private remonstrances in the proper quarter] published a letter in my own name, on the 18th June, last year, pointing out the pages in the published Ordinances of the Government, where sundry official pledges to the natives, bearing my own official signature as Secretary to the Government at the time, might be seen; and concluding with an intimation from which it might have been collected, at least by public men, that, having been personally concerned in making the pledges referred to, I could not be expected to be an indifferent spectator, should they, through ignorance or otherwise, be departed from.

I cited in particular pages 54, 234, and 253, of the second volume, as containing public pledges duly published in the *Government Gazette*. My letter ending with these words—"They have not been forgotten by the natives, nor by *those* whose duty it was to stake those solemn pledges of the national honor, and '*to enforce them by their own assurances of their inviolability.*'"

Thus repeating the words which, eight years before, I had successfully employed when respectfully insisting that the public faith should be kept with the white land claimants.

I had also in view the appeal of Mr. Shepstone [vain as regarded local authority, but] honorably responded to in Downing Street, that "to cut up, or even to touch the native locations, would not only make *the Government* appear unfaithful, but would also destroy all reliance on *the word* of every public officer."

[The directions, elsewhere cited, which this, and similar remonstrances elicited from Earl Grey and Sir John Packington, in 1852, were before the officer who could not, on the 29th May, 1854, "find that the measure (of establishing the locations) "*ever* received the sanction of Her Majesty's Government," and who, while then recommending the abolition of the same locations, apologises for not having sooner done so, on the ground that he "did not consider that interference with the locations was one of the measures contemplated by Sir John Packington, especially after his despatch of 22nd July, 1852."]

A reference to the newspapers of the period should suffice to show that this notification, from one in my position, was not without its effect for a time.

I always believed, and still believe, that there is none amongst us base enough, and foolish enough, to propose that the public faith should *not* be kept. The only question was whether it had been duly pledged—but that question might have been decided at a glance, by referring to the pages I had specified as above.

Had an open repudiator of our obligations come forward [I should have given him credit for comparative honesty, for that course is less disingenuous than ignoring what we cannot deny, but], I should have probably found his name amongst those who had, some time before, publicly expressed their "strongest confidence that your honor will not be a party to any violation of a departure from the clear and repeated pledges of the former (i. e., West's) administration."

I had occasion soon after (and again, as it would seem, successfully) to cap this, by representing, in the same high quarter, that the same rule should be imperative, even when the acts of local authority might have been—not merely censured—but disavowed, as having been done in excess of instruction, or in abuse of discretionary power [which, in this case, had been duly delegated in 1844].

In the words of a local writer (then recently landed, Nov., 1850—initials G. R.×—"Both on the higher ground of national honor, and the lower one of national safety, the public faith must be kept, at any sacrifice."

It will hardly be gravely argued that these denunciations of bad faith had exclusive reference to the claims of the *whites*, for on both these all-sufficient grounds, they apply to those of the natives with infinitely increased force. The natives are, morally, our inferiors, while, numerically, they are still more our superiors. In their case, both the obligation and the danger are greater. They are ignorant—we are instructed—we can, and they cannot, read and understand the tenor and effect of our promises.

Here our assent is not an act of volition; it is compulsory, for our own reasoning applies *a fortiori*.

"All British Governments (continues this writer), hold and act up to this doctrine, whether they be Tory, Whig, or Radical; changes of men and of party affect not this great matter. *It stands out*, through all the fluctuations of policy, and the strife of parties, the glory and the boast of Britain. [No Pennsylvanian repudiator durst show his face in England], and I venture to predict it will do so still, and not in our Imperial Cabinet and Parliament alone, but throughout our colonial dependencies, in both hemispheres, whether Lord Stanley, Lord Grey, or Sir William Molesworth, be the Colonial Secretary!" Here, again, sound principles do not solicit but command assent.

Two years later, these predictions were signally fulfilled. Earl Grey wrote to the local Government of Natal, February, 1852:—"You must be particularly careful to avoid giving the slightest ground for reproaching the Government with bad faith towards the natives; to incur this reproach would be to lose one of the main elements of our power."

To which Sir John Packington soon after (22nd July) added—"I feel it my duty to insist, as long as I have the power, on the most rigid good faith being observed in all land transactions with the natives, as essential both to justice, and to the maintenance of that good feeling which is all essential to British interests in the colony."

[Stern injunctions! responded to here (25th September) by the appointment of a commission to report, forsooth, "on the future government of the natives," with an assurance (October 7) that "Mr. Shepstone agrees with me as to the propriety of the measure, and will heartily assist in carrying it out." The latent object of "the measure" (as at once candidly explained through the *Mercury* newspaper) being "to throw open the locations to the enterprise of Europeans"—in other words, to fly directly in the face of the recently received instructions!

What better proof of the ignorance of the colonists in this matter can be required than that a writer so jealous of the national honor as my vigorous coadjutor G. R., did not forthwith denounce the dishonorable project, and shake this editor out of his shoes, unless, as is most probable, he also had been hoodwinked as to the frequency with which the national honor had been pledged.]

It is no small honor to our local press, that two successive Secretaries of State could only paraphrase the words of a humble correspondent of the *Natal Witness* newspaper! Sealed by this *fiat* of its editor, "all that we require is, that the public faith be kept, and we agree with G. R., that this must be done, *Fiat justitia, ruat cœlum!*"

Those who have been conducted to the opinion that these locations had been merely "contemplated" or "projected," or that they had "not been sanctioned by Her Majesty's Government," would do well to observe that these censures had reference to the *only* location which had been expressly declared to be a "temporary provision," and that all the others had been declared as "permanent," and as such announced to have been "formed" by certain Government Notices—(on the three dates to be mentioned) by the gentleman who now proposed to abolish them. G. R. concludes by citing "the *ipsissima verba*" of another "Government Notice," adding these words—"Even a madman cannot vault over that stern and impassable barrier. Let, therefore, the colonists, and the colony, rest in peace!"

My said letter of the 18th June, 1857, indicated sundry "Government Notices" of "the late administration" containing "pledges" much more "clear,"

× "G. R." = George Robinson, Ed. "Natal Mercury" which was established in 1852. L. E. 1894

[The residue of this lecture is *the substance* of what was read, with additions.]

and more frequently "repeated," than the "barrier" referred to by G. R., but it did so in vain. And the acts of others had rendered it necessary (notwithstanding a still more emphatic warning on the 10th April last) that the same name that certified the pledges in question, should now certify an address, recommending as worthy of attention the very papers which I know to contain a long labored attempt to pervert their meaning, or altogether to ignore "England's own act."

I also had endeavored to "let the colonists, and the colony, rest in peace," as far as this subject was concerned. But the point at which longer silence would have been criminal had been passed. I perceived that where a disposition to turn a deaf ear to what cannot be denied is discernable, all the prestige of position and publicity is necessary to the establishment of truth—and I forthwith sat down to prepare the following narrative, announcing my intention so to do in a letter which accompanied the address in question, to the office of the Secretary for the Colonies, and which conveyed my very unfavorable opinion of the papers which I might otherwise have been understood to recommend.

I would willingly avoid all reflections on others—knowing that, if my own account be true, all that is opposed to it will eventually subside, without any other effort on my part; but I find that I cannot do justice to the subject without furnishing, occasionally, some means of comparison.

A very sufficient reason for avoiding needless debate on such matters, may be seen in the notice to be found below, of the events of February, 1849. Should we all agree, as I trust we shall, on the main point—that *these locations cannot be touched without affording some "slight ground for reproaching the Government with bad faith towards the natives,"* this should surely be as apparent to those around us, as it was rendered at the date mentioned, seeing that, in our circumstances, appearances of disunion amongst ourselves, or of needless excitement in such matters, should be sedulously avoided.

All useful purposes will be met by a few extracts from the historical "narratives" contained in the papers submitted to the Secretary of State, in 1854, and recently recommended—showing the views then taken of the events of which a fuller account is given by myself.

There is, however, one misapprehension which must be removed *in limine*.

Much, perhaps not very considerate, censure has been passed on the mistaken supposition that "when we first took possession of the district, there were not more than 10,000 or 15,000 natives, at the outside, inhabiting it;" "the incalculable advantages presented to us were lost;" "never had the government a better opportunity;" "in fact, through the neglect and supineness of the government in former years;" "the natives should have been made to reside in more compact locations, and in villages or communities, as they were in fact compelled to do in Panda's country;" the location commissioners "set aside, of *their own authority*, two millions of acres for the Kafirs," &c., &c., &c.

Unless the government here intended, resided in Downing Street, in Cape Town, or in Captain Jarvis's little guardroom at "the Point," there existed no government to be censured, except Mr. West's government at Natal.

Yet, it appeared in evidence, in 1853, that the authority, whose low estimate of the number of the natives had been adopted, had meant those close to the port—*not* those within the territory; and it was explained, three years later, on the the same authority, that the words cited had reference to the military occupation in 1842, and *not* to the establishment of a government in 1846. But, meanwhile, the Secretary of State associated this censure with Mr. West's government, or with nothing.

Such strictures induce the supposition, that the number of the natives was correctly stated; that the Government had *some* physical means of control at their command, and also that its members possessed all the judgment, experience, and ability of their chief censor.

Now, whatever experience we may have gained, none of us were deemed men of more than very ordinary abilities.

Sir P. Maitland, who chose us from amongst the civil servants of the Cape Colony, drove the hardest bargains he could, reporting that he had "endeavored to make the best selections the limited resources of the colony placed within his power!"

Had these resources been less "limited" the "selections" might have been better, and perhaps like the "projected" paladins of "Captain Bobadil," the first Natal authorities might have been "nearly, if not altogether, equal to" their said censor. As it was, *causa candovis*, conceded, that our supposed neglect "arose, probably, in *some* measure, from want of means, and from some other causes over which the Government (again) had but *partial* control," it seems to have been kindly admitted that the five gentlemen sent hither in January, 1846, to form a government, tried to do their poor best—(one of them, by the way, undertook the duties of three offices for the salary of one, with the *offered* condition that "the nomination of two clerks will be left to you"—the only known ground for the more than single "blessedness," recently—most injuriously—associated with his name,—though one of the two sons thus placed in the service, has well earned this notice, by inserting in the "Ordinances" the pledges recently questioned, thus placing within convenient reach, the tacks, and the hammer too, with which, as in duty bound, we shall now proceed to nail the flag of British honor to the mast.

Our alleged failure was, perhaps, in "*some* measure" owing to our having to maintain the name of a Government, for two years and a half, without any kind of legislative power, and for three years and a half without a revenue, until (without any any physical force, beyond a small stationary garrison) we persuaded a native population, exceeding the whites, in the proportion of at least 50 to 1 to pay us taxes, in return for the fixed land tenure which, though disturbed in 1848, had been publicly guaranteed to them within the first year, by forcibly placing them in "permanent locations."

This was effected by attention to the common principles of justice, aided by some experience of the mode in which those principles might be applied, but success was mainly due to the high qualifications possessed by Mr. Theophilus Shepstone, the agent between the Government and the natives.

These are the circumstances that gave to Mr. West's Government a moral force, subsequently unknown, which was confidently relied on, and which never deceived them.

An avalanche of loose inferences, studded with blundering boulders of a formation, which the French geologists, our masters in the science, have neatly named *inexactitude*, begins its sure descent on perusal (at page 63 of the papers printed in 1848) of an extract from Lord Stanley's despatch of 13th July, 1844, estimating the natives *then* in Natal at 80,000 to 100,000, and entrusting to the Local Government the "*discretion*" of acting upon the previous suggestion for placing them in "permanent locations."

How this somewhat material fact came to be overlooked in both the "narratives" furnished in 1854, with the strongest possible recommendations, it is not for me to explain. It may be seen by Mr. West's printed instructions, that Sir P. Maitland gave him access to those despatches.

In fact, before Mr. West's arrival in Cape Town, I had made that extract for his guidance, and subsequently enclosed it, for that of the Location Commissioners, as may be seen on reference to the 16th clause of their instructions.

But justice was to be done to other land claimants also.

Mr. Cloete has told us that the emigrant boers had seized this territory, and the shocking result of their endeavor to obtain an irregular cession from the

Zulu chief, as also, their vain endeavor to resist a British force, sent, virtually, to prevent them from expelling these natives.

The promise then made to these men, to maintain them in the possession of their property, was not kept in the sense in which it was received, and Mr. West found, in 1846, that amidst a native population which *he* then estimated at 100,000, who had been allowed to locate themselves at will over the whole territory, the claims of 254 whites to 371 farms, had been admitted, and were to be satisfied.

It appeared (by returns framed with much care, and submitted to public inspection and correction before they were officially cited) that less than one-sixth of those lands were inhabited by the claimants, while many of them had been sold to non-occupants. These claims had been admitted by "registration," but not those of the natives, who, so long as the land was "at the disposal of the Crown," the Government had previously promised "neither to disturb, or to allow to be disturbed in their occupations or selections"

Holding that, until the registration had been approved in England, all the lands were at the disposal of the Crown, the Commissioner had "not allowed them to be disturbed in the occupation of *any* land"—so that, very generally, and especially in respect of a second class of claims, admitted provisionally, whites claimed by right of registration, lands which the natives held by right of undisputed occupation, and had all the parties been equally tenacious of their admitted rights, and equally resolute to maintain them, the result must have been, that all the whites would have quitted the colony, as many had done already.

But the natives well knew that without a white population, they would not have been secure from the Zulus, or from the effects of ambition amongst themselves.

These considerations, and the submissive disposition of the numerical majority, decided Mr. West, after three months' anxious enquiry, to carry into instant operation the general and equitable compromise of rights described in the instructions of the Location Commissioners.

Much was said in the reports of 1854 against the constitution of this board. I heartily concurred in those appointments.

It was highly desirable and expedient (were it only for the sake of the natives) to satisfy the just claims of a small number of whites. It was *necessary* to satisfy those of a large number of natives.

Without their confidence in our justice, the Government would have been powerless; and it is sad indeed to find a subsequent "Kafir Commission" suggesting to the Government that certain proposals should be made to the natives, "*in the shape* of a proposal intended for their benefit," and "by persons in whom they *have* confidence!"

How this "confidence" had been forfeited by the Government, and by the writer of the report, was not explained. The instructions were framed by me, and had I to write them now, under the same authority, but with the aid of all the reliable information since obtained, I could not materially improve them, though more of the truth could be told now than could safely be told then.

It was necessary to assume, from the submissive expressions of the chiefs of a people, who had not formed the notion of attachment to particular localities (provided that their wants could be conveniently supplied), that "the natives generally understood" (the previous promises notwithstanding) "that their present occupations were merely on sufferance, and that the lands on which they may permanently reside, have still to be pointed out to them."

With these words in the instructions, what further pledge of being allowed to retain what was "pointed out to him," would an European require?

Through those instructions the first lessons in the doctrine of land appropriations were studiously inculcated on the native mind, and I need hardly say that, but for Mr. Shepstone, the lesson would have been thrown away.

"If they do not remove from the lands about to be measured (*i. e.*, for whites), to one or other of the settlements you may point out, they must be distinctly told that (unless they receive the consent of the proprietor), they will be prevented from cultivating, and their cattle will be impounded, that their own *rights* will be protected *by law;* but that the same law will compel them to respect the rights of others."

These words in the original instructions have been published for the last twelve years in the *Gazette*, and for the last ten years in the Parliamentary Papers, and were last year reprinted here, in the *Natal Ordinances* (II, 248), and yet some amongst us, from whom the public are entitled to look up for sound information, seem quite unaware that *any* land rights have been conferred on persons who obeyed that order!

"Crabbe's Synonymes" seem to have been ransacked for words which convey an impression to the contrary; but what man of ordinary judgment can suppose that such terms as these would have been openly employed by any public servant pretending to common honesty, to induce these ignorant men to place themselves in locations that were merely "interim," "provisional," "intended," "proposed," "contemplated," or "projected?" and then, as will be shown, months after the victims of delusion had been partly coaxed, and partly compelled to obey, to publish in the *Gazette*, and lay before Her Majesty, the proofs of their own dishonor!

But, after these locations *had been given and received* in the expressed sense of "permanent," where is the moralist who will deny that (though subsequent approval might become a question *between the Queen and her Lieutenant)*, it is, *as between us and these natives*, a matter of perfect indifference. Such at least was clearly the opinion of two successive Ministers for the Colonies six years ago. In their opinion, at least, approval was a *secondary* consideration.

But what has been recently said on that point? A report, ostensibly emanating from twenty-one unofficial gentlemen, is submitted to the Secretary of State, in 1854 (with the high praise to be cited), containing the allegation that—"the proceedings of the Location Commissioners (of 1846) * * have never been submitted to, approved of, or confirmed by, the Home Government." They may have been misinformed, and, indeed, the officer who transmits this report, apologises for some of its deficiencies, by saying—"the unofficial members were not given, as I directed, before I proceeded to the Cape last year, access to my despatches and *other official documents relating to this subject.*"

With his better means of information, we are entitled to expect from him something definitive on this point.

He, however, confines himself to the words—(refering to "a Proclamation of April, 1849," which he viewed as "provisionally establishing the locations,") "*I cannot find* that the measure ever received the sanction of Her Majesty's Government."

I could have found for him superabundant "sanction," even in despatches addressed to himself, but he has saved me the trouble—for the same despatch contains these words, "I did not think that interference with the locations was one of the measures contemplated by Sir John Packington, *especially after his despatch of the* 22nd July, 1852!"

Few will dissent from the soundness of this conclusion, who read that despatch (P. P. Augt. 23rd, 1853, p 125), and bear in mind that the words "I regret the sale as inconsistent with good faith," had reference to the sale, not of a location which had been called "permanent," but of one which had been called, in the Government Notice approving it, (Ord. 11, 257,) a "temporary provision," and that the following explicit direction, being of general application, again saves us the trouble of dwelling on this *secondary* point:—"I feel it my duty to insist, as long as I have the power, on the most rigid good faith being observed, in *all* land transactions with the natives."

The precise nature of these "land transactions" is what I propose to explain; such being the *only*

subject of enquiry, for in *all* such cases, good faith has been inculcated by every British minister.

Had Mr. West desired, in 1846, to arrive at any other than a safe, speedy, and *practicable* result, the board might have been differently constituted.

Our "resources," like those of the Cape civil service at the period, were comparatively "limited," still 24 "settlers of experience" (though we could have scarcely brought as many together on commando) might have been mustered to *talk*, but not to *work*.

Censure of the "constitution" of Mr. West's board, would have come better from any other quarter than from those, who, with the ostensible aid of sundry innocuous gentlemen—(though they certainly enriched colonial literature with some rare "evidence"—expended on travelling, and (as it passed for) printing, during *two years*, some ten or twelve hundred pounds, and furnished the Downing Street pigeon-holes with a report, and some despatches, at the end of that period; but who, fortunately for all the interests concerned (beyond the perilous excitement now subsiding) *did nothing*.

And what else could a board, similarly constituted, have done in 1846? but to repeat the proposal of 1843, a few years before it was repeated in 1853; or to submit porposals closely *Siamised* to the condition that "the Home Government grant assistance," perhaps enforced by the conclusive argument that "the Kafirs are *aware* that this Government is not in a position to compel them!"

Mr. West, and two of the three gentlemen who formed his Location Commission, are dead, and it has devolved upon me to show that they *did* something, and also how it was done.

Another leading rule laid down by Lord Stanley, for the then "projected" settlement at Natal, was, consistently with all just land claims, "to provide for future, and possibly extensive emigration."

This care, at a period when at least a million of acres had "swelled the quantity of waste land not disposable by the crown," *since* the Executive Council had resolved that "the whites had already ten times as much land as they could either use or sell," is designated in this report "suicidal illiberality."

That opinion, together with the accompanying warrantry of the Executive of the day, will be tested by time. I advert to it here because the first member of the Location Commission (the Surveyor General) had been charged with the duty of considering how *all* the laid claims could be best met, for twelve months before he was placed at the head of this board.

The second member was Mr. Shepstone, on whom alone the Government relied for making its views and intentions intelligible to the natives.

The last was Dr. Adams, a respectable American Missionary, having no personal interests at stake, and presumed to enjoy a fair share of general confidence, as the former government of the whites had entrusted to him a large tract of land for the use of its native occupants; that being the land which, from its vicinity to the port, has been, in my opinion, blindly, most frequently encroached on, or applied for, twice with the direct countenance of the Executive, whose duty it was to have replied, in the words of Sir James Craig, "What right have I to give you the property of others?"

Within two months after their appointment, it was announced in the *Gazette* that they had that day (29th May) recommended that three *permanent* locations should be formed for natives (at Zwartkop, Umvooti, and Umlaasi), and that their suggestions for other locations would be announced when received. Amongst the grounds advanced by these commissioners were "the density of the native population already thereon, many of them alleging a right of prior occupation, and the, comparatively, small number of conflicting claims."

The registered claims being still not perfected by the issue of titles, and it being manifestly impossible to locate the natives without *some* disturbance of such rights, the parties interested were called on to apply for compensation in increased extent of land elsewhere. The "increased extents" thus awarded to the natives were such as may be seen on looking down on *Inanda* from the Durban road!

I shall not further notice what has been said as to "the seizure of private property," than by stating that one white occupant (Mr. Morewood) was removed, receiving, to his full satisfaction, what he deemed and called "Compensation;" and that the objections of another (A. W. Pretorius) were, as far as deemed reasonable, met by the removal of natives from his land.

Other provisions, approved by the Secretary of State, was made to meet the claims of non-occupants, several of whom, whose cases were deemed peculiar, were, however, compensated in land, notwithstanding that, as against Crown land here, their claims had been disallowed in England.

So far all these locations were only "projected," but, on the 27th August following (the intervening three months having been allowed for objections) the Lieutenant Governor's approval of those recommendations was announced by Government Notice in the *Gazette*;—a "barrier" that all may now inspect, without *craning*, at page 234 of the Ordinances. As in the report of December, 1853, the word "projected" (or an equivalent) is invariably used; and in the despatches the word "provisional," the "*ipsissima verba*" of this "Notice," Ordinances II., 234) are material. Should they catch the eye of G. R., I call for judgment!

"It being highly desirable that it should be known, as soon as possible, what lands will be *permanently* occupied by natives, and also what lands will be legally secured to the present claimants, or become otherwise available for European settlement;—it is hereby notified, that no objection of sufficient weight, in the opinion of the Lieutenant Governor, having been advanced to any of the three locations recommended in the report referred to in the annexed notice (*i.e.*, the republished notice of 29th May), and on the grounds therein stated, the Lieutenant Governor is now prepared to signify *his approval of the said recommendations*."

The locations mentioned in the *ensuing* clause of this notice might, *at that time*, have been called "projected," or "intended," with perfect propriety.

"His Honor *will* be guided by the same principles in approving *further* recommendations, and it is probable that several *permanent* locations for natives *will* be formed in such *other* situations as *may be* recommended on the same grounds."

The residue of this notice provides for general or partial removals of natives; and mentions, with approbation, the amicable conduct of both parties, "notwithstanding the tendency of the injudicious expressions of individuals to produce a contrary feeling."

The paper dated 16th December, 1853, transmitted 3rd May, 1854, and reviewed at great length (and with high praise) in three subsequent dispatches, as the report of a commission appointed on the 25th September, 1852, contains an historical narrative, from which the following are the only passages which seem to have direct reference to the facts above given:—

"The idea of settling the Kafirs in Natal amongst the white population, in moderate-sized locations, appears to have originated in the recommendations of Her Majesty's Commissioner in 1843."

Nothing can have been put more prominently forward than the early authority of Lord Stanley for this measure. It is noticed in the instructions, and cited in the despatches, both of which were printed, together with the very extract from the despatch of 13th July, 1844, which had been furnished to the Commissioners. But hear this "able official report:"

"The first mention of any intention of the Government to adopt that recommendation, and form locations for the Kafirs, is dated 17th February, 1845, in instructions to the Surveyor General. The Government, however, appeared not quite assured of the propriety of the measure."

"In 1846, the locating of all the Kafirs proceded

on an instruction from the Local Government of date 31st March, 1846. A commission was thus appointed to locate the Kafirs. The constitution of this commission was imperfect; no settler of experience, or possessed of landed property, was placed on it; but it consisted entirely of officials and foreigners, one military man, two government officials, and two foreign missionaries. A body thus constituted could not be said fairly to represent the opinions of the white inhabitants. It failed to give general satisfaction."

The following, occurring in an earlier part of this narrative, is the only other passage which *may have had* some intended reference to the events detailed. "In numerous cases the private properties of the settlers were appropriated by the local government; some of those lands, though they had been occupied and built upon, were included in Kafir locations, in many cases without the consent of the owners, notwithstanding the assurance of undisturbed possession."

The following are the only passages of the *dispatches* referred to, which touch on the events above narrated:—

"I think it will be convenient to furnish a brief narration of events relating to the subject in hand, prior to my assumption of this government."

"In narrating events prior to my administration, I shall chiefly follow the report of the commission, &c., supplying some deficiences."

"Soon after his arrival, Mr. West mentioned the overwhelming number of natives, who, between the military occupation of May, 1842, and his arrival in December, 1845, had been suffered to locate themselves here."

(Where are "our incalculable advantages" now?)

"Mr. West seems to have turned his early attention to the location of the natives, and he appointed a commission for this purpose."

As no more is said of the events of 1846 (which the writer had accurately ascertained in 1850), it seems proper to place here the concluding words of his "narrative."

"Here the narration of events prior to my administration is brought to a close, I am sensible that the task has been imperfectly formed, especially as to the government of my predecessors. I think, however, on the whole, it will have given your Grace such a knowledge of the past history of the district, as will enable you more easily to * * consider the merits of any measure proposed for the future government of the district, and especially the natives." And again, in another despatch,—"The narrative given in my former despatch will, I think, place the subject of native claims before you in its true light."

Why the narrative should be confessedly "imperfect especially" during the *only* period when those "claims" originated, is not stated, unless a passage, which will be found below, explaining why the writer had refrained from entering upon "the task" of "dwelling on errors, the exposure of which would be productive of no good," &c., furnishes the requisite explanation.

The following events of the same year (1846) are cited from the *Government Gazette*. On the 28th November appeared another notice, containing a report received from the Commissioners (on being directed to report, without delay, whether they were as yet prepared to recommend other locations.) They hoped to complete "in time sufficient to become *settled* by the ensuing planting season;" adverted to an intention to suggest a minor location (Umnini's), and in proposing boundaries for one location (Zwartkop's), said that "the extent cultivated was very great," from the "large quantity grown for sale to the whites; and that 3000 of the residents belonged to chiefs who are original occupants."

This was one of the locations which Her Majesty's Government were so strongly moved, in 1854, to "do away with," in the absence of any of the proof now supplied from the *Government Gazette*.

My object, however, is to satisfy reasonable minds *here*; and whatever third parties may imagine, in the absence of the evidence,—does not the whole tenor of the language employed in these "instructions," in its connection with that of the subsequent notices, entirely confirm the evidence so idly laid before this commission, by men of unimpeached character (unless a sweeping allegation that "they could see only one side of the picture" be enough), to the general effect that certain notices, published by the Government, would prove, if produced, that that both the late administration and the natives—the giver and the receiver—clearly understood that these locations were to *be*, what they were *called*, namely—"permanent?"

Let us ask ourselves whether *we* would accept lands here on any other understanding, even though we had never taken possession? and what *we* should have said if a commission, appointed to inquire into "the best measures to be adopted for *our* future government," had ventured to report that the grants of the lands we could not, or would not, use, had been merely "projected?"

I have my eye on more than one of my former correspondents who would be ready enough, in such a case, "to submit, for the consideration of the Lieutenant Governor," in terms duly respectful, an intelligible hint that his Spartan virtue had not been sufficiently cloaked by philological skill, and who would then at once have handed over the representation of Majesty, without a recommendation of mercy, to some such vindicator of the national honor as my recent recruit, G. R.

But we learn, on the authority of the officer who who would *take away* the lands given to natives here, that, by a process directly opposite, namely—by *granting land* to blacks, "many, not the least wealthy and enlightened" of whom, were "actually brought to Sierra Leone in slave-ships, degraded, and not more intelligent than the Kafirs," those blacks had made such advances that (with only "about 100 whites to nearly 5000 blacks") "many of the *former* possessed considerable wealth in houses, land, and even vessels; that many are employed as clerks in government offices; that several have been admitted to holy orders; and are not only, as a people, orderly and obedient to the laws, but that they are ever ready to assist the government against native tribes in the neighborhood." (1st November, 1850.)

I stop not to enlist *this* good recruit now; but, supposing *our* Kafirs, by whatever process, to have attained to this highly satisfactory stage, should we have no "wealthy Kafir land or ship-owners," no "Kafir clerk in a government office," or no Kafir dean, whether of St. Peter's or St. Paul's, to refer the insensate spoiler to every official paper of the period, from Lord Stanley's despatch of July, 1844, down to Sir H. Smith's Land Commission, who, when ordered to remove all the Kafirs, recommended that their present locations should be "permanent;" and, in *his* cooler judgment, "very properly," for overwhelming proof that no one had previously been so extremely silly as to dream of any location of whites or of blacks *not* permanent; and further, that when those "impassable barriers" were "very properly" erected, G. R.'s "madman," being elsewhere than in Natal, none had yet even dreamt of "vaulting over them."

I have said that the Natal colonists, and especially the great majority (none of whom arrived until long after the conclusion of the transactions which it has been attempted to repudiate), are not morally responsible for the sad matter that has recently appeared on the subject in our local prints.

The opinions of colonial writers were necessarily influenced by the acts, and also by the *reputed* sentiments of those local superiors who were the proper guardians of the public peace and of the national honor; and what were they thus taught?

Through the agent of Mr. E. Chiappini, the principal claimant of compensation for land in locations they were officially informed (23rd June, 1851), that the Local Government intended to recommend that the lands, in respect of which compensation had been sought, should be given to the white claimants, the inference that no valid pledge to the con-

trary had been given, was inevitable; but when they saw (October 15) a native location advertised in the *Government Gazette* for sale to the whites, and (November 11th) saw it actually sold, all doubt on that point was removed, and they were fully prepared to learn, from the *Mercury* newspaper (9th November, 1855), that Her Majesty's High Commissioner, Sir George Grey, then on the spot, "is in favor of a very stringent administration, with a view to evoke the dormant labour of the natives, and, *as a necessary means to so desirable an end*, he approves of breaking up the existing native locations." And, a few day's later (23rd November)—"The following quotation embodies His Excellency's views, as far as they have yet transpired, *as it might be attended with danger to break up the Kafir locations at once, the unoccupied lands to be first granted to emigrants and colonists, and efficient means taken for gradually breaking up the location system.*" In other words, that we were deterred from the commission of robbery by the fear of punishment alone! All this being a mere repetition of the intentions demi-officially announced, through the same channel, three years earlier, upon the appointment of a commission, formed *ostensibly* to "report on the future government of the natives;" for it was not until the 31st March, 1853, that it appeared in a despatch from Natal that "the location of the natives" was one of the objects in view; and then it passed unperceived, and Her Majesty's Government escaped a second skilfully-planned attempt upon the same twenty thousand acres by a mere accident.

All these things prepared the public to read, without censure, such suggestions as the following, *imputed*, in the same paper, to a member of the legislature, in 1857, "not to moot the question of the locations until it had been ascertained whether the Lieutenant Governor would, *quietly and without discussion*, grant lands in what are sometimes called Kafir locations." In like manner, the present Lieutenant Governor was *made* to say "that he did not intend to interfere with the locations *at present*."

Surely no higher testimony to the quiet disposition of these people can be required than that these, and similar intimations of an intent to deprive them of their homes, has produced no dangerous excitement.

Whether all these things were actually *said*, the public has no means of knowing, and I cannot inform them; but as I am not aware that they have been contradicted, and as no one capable of the design would publicly avow the intention to commit what may justly be called *political petty larceny*, the fair conclusion is, that high local authorities, on whom the public have a right to rely for sound information, have been, like Her Majesty's Government, kept in ignorance by those who ought to know, and who (as I may have occasion to prove) *did know* better.

And this view of the matter is fully borne out—

1st.—By the report of the Commissioner (Owen, 6th March, 1854) sent to inquire into this very subject, who suggests, as a step preparatory to "reducing the size of the locations," a more equal balance of the powers of the black and the white population than now exists in Natal," in the same paper in which he says, "it is essential, both to justice and to the maintenance of good feeling and respect towards the British Government, that the most rigid faith should be observed in all transactions with the natives!"

It is easy to bandage the eyes of a *local* inquisitor. The devices now exposed were required for more distant operations.

2nd.—By Sir George Grey's published dispatch on the proposal of Mr. Shepstone, in which his sound objections are founded, not on the strong grounds presented in its preamble, where a fearful array of broken promises is displayed, in the only shape in which they could meet approval at the hands of the authority *so* charged with having broken them—namely, in *numerical* references to the papers and pages, where they might have been seen in their shocking reality. Their substance was felicitously expressed in the following words, which (infelicitously) escaped excision, from amongst the strictures of a subordinate agent (R. Thomson), when Mr. Shepstone's *previous* proposal to the same general effect was, of course rejected—"*The proposal of the emigration of the natives would appear to convey to them a declaration that no reliance can be placed upon any assurance made to them by the Government.*" (Why seventeen other bits were cut out, we learn from this little slip of the scissors.)

The same thing had been said over and over again by Mr Shepstone himself, in *both* proposals; the only difference being that that which was conveyed in the one by *references*, was infinitely stronger than that rejected on the spot, because expressed *in words*.

Who could successfully, or with impunity, have recommended a scheme for the migration of natives from Natal to some part of the earth's surface where "the appropriation of land to their use should have a *permanency* attached to it which, *it is now found, neither the locations, nor special appropriations to particular chiefs, were ever invested with?*" (9th December, 1851.)

When Sir George Grey was thus led to do equal injustice to himself and to Mr. Shepstone, by founding his objections on very minor points, he proved, beyond all dispute, that he also had been kept in entire ignorance of the obligations incurred by this government, in the transactions to be detailed. Before doing so, however, it is necessary to show in how far Mr. Pine, who, in 1854, proposed that these engagements should be disregarded, possessed the means of making himself acquainted with their exact nature.

Having landed on the 19th April, 1850, he reported, in a long despatch of the 30th August (pp. 1851, p. 26), that he had not come to the discussion of so important a subject (as emigration), until, by travelling over a considerable part of the district, and collecting from every quarter all the information possible, he had enabled himself to do so with some degree of confidence."

On the 1st November following, he—after many week's labour—completed a much longer despatch on lands (p. 43,) in which he said—"I gather from Earl Grey's dispatches that the principal points upon which his Lordship requires information are the following." The second of these points was thus stated—"In how far they (the grants of lands to whites) are likely to interfere with the location of the Kafirs." On this point it was said—"It will be seen, by the map, that there are seven locations." "Considering the large extent of land allotted to the Kafirs, and that tracts of even those parts of the locations which are unfit for European agriculture, are capable of being made available by the Kafir mode of culture, I am disposed to think that the grants which have been made of crown lands will not materially interfere with the locating the natives."

Of the claims which had arisen out of the previous formation of those locations, it was said—"Your Excellency is aware that, in fixing the boundaries of the Kafir locations, it was found necessary to include within them a number of farms claimed by private individuals, under the proclamation of 1843. I would respectfully suggest that those claims * * should be divided into two classes. First, farms bought *before* the boundaries of the Kafir locations were known; and second, the claims of persons who, by purchasing *after* the boundaries were known, bought a mere naked claim on the government for compensation."

To the first it was proposed to pay "the full price of their farms at the time they were taken possession of by the government." To the second—"nothing more than the actual price they paid for the land."

In transmitting this despatch (5th December), Sir H. Smith wrote Earl Grey—"Your Lordship will be gratified to learn that, when these views have been fully carried out * * there will have been no interference with the locations of the natives." While, on the suggestions as to compensation, he said—"As to location farms, or farms falling within the limits of native locations, I have already conveyed to the Natal Government your Lordship's decision of this

question, as intimated by your dispatch of the 11th June last. In that dispatch Earl Grey concurred with the emigration commissioners in affirming the decision of Lord Stanley (30th July, 1844) "that the price actually paid is the utmost which any man, who knowingly buys land *required for public purposes*, is entitled to expect."

Upon the receipt, in August, 1851, of Earl Grey's "decided" approval of 2nd April (*ib.* 110), Mr. Pine issued a proclamation declaring that the proposed mode of compensation "appears just and reasonable to the Secretary of State and to *me*;" but, beyond figuring as the enclosure to a despatch, this proclamation was a dead letter; for three months *before* issuing this proclamation (23rd June, 1851) its author officially informed the agent of Mr. E. Chiappini, the principal claimant, that he intended to recommend that the lands should be restored.

Soon after writing the despatch of 1st November, 1850, the mode of compensation *therein* proposed having been officially explained to the said claimant, he wrote me (11th December, 1850)—"Before replying definitely, I beg respectfully to be informed, *at what date* I am to consider the locations as formed?"

I thereupon drew up, after many days' labour, an exact *precis* of the substance of every paper in my office which bore on the formation of the locations, or upon the question of compensation, and submitted the same to my superior. This paper led to much earnest correspondence. After it had been fully concurred in by the law officer of the crown (who had also been the legal adviser of the claimant) and also by the Surveyor General, the Lieutenant Governor wrote me, through his private secretary, refusing to take it into consideration, unless the papers were laid before him in full. And (with what result I know not) I twice (31st October and 20th December) requested that it might be sent to the Secretary of State, having too good grounds for apprehending repudiation.

I dwell on its importance, because on the claimant urging for a reply, I was at length authorised to answer in the very words I had at first suggested, as follows—"I am directed by the Lieutenant Governor to inform you, in reply to your letter of the 11th instant, that he considers the three locations of Swartkops, Umvooti, and Umlaasi, to have been formed on the 27th August, 1846; that on the Inanda on the 8th March, 1847; and three locations in different parts of the Tugela on the 7th April, 1849." I now perceive that Mr. Pine thus referred in December, 1850, to the *very same* pledges which I, in June, 1857, informed the public might be seen at pp. 54, 234, and 253 of the Ordinances as published by *his* order!

In 1854 this seems to have been forgotten. "I found, however (said Mr. Pine), when *I came to consider the subject* (all the above-mentioned acts having, consequently, been done without consideration!) that the native locations had, before my arrival, been provisionally defined, but in a manner altogether at variance with the admirable principles suggested by Earl Grey." Those principles, unquestionable as they were, having become totally inapplicable to the circumstances as described on the 1st November, 1850, *for want of any vacant land amongst the Europeans.* The despatch, moreover, being dated 30th November, 1849, many months *after* the last of the locations had been formed!

The writer goes on to apologise for not having carried out these principles (by abolishing the locations), forgotting that the only other authority cited (14th February, 1852) was strictly conditioned upon not affording "the slightest ground for charging the government with bad faith towards the natives," because—justly enough!—he thought from the tenor of the subsequent despatch of 22nd July, (saying—"I must insist on the most rigid good faith," &c,), that interference with the locations was not one of the measures contemplated!

The pretence here advanced is too absurd and puerile to merit further notice.

I have many other good grounds for believing that ignorance of our engagements to the natives was *not* among the causes that led to their having been disregarded by this officer. But these must suffice for the present.

But to resume the events of 1846. It being conceived that all these public announcements of the formation of permanent locations between March and December, had sufficiently prepared the public mind, it was deemed proper that the public should understand on what authority these things had been done, and obtain, at the same time, some knowledge of the disparity of our relative numbers, which, if known earlier, might have increased migration from the colony. The instructions of March, previously withheld by Mr. West, in order to prevent injurious excitement, and especially its disturbing effects *upon the minds of the commissioners*, were published in the *Gazette;* and a few days later, another instruction—for preparing a scheme for the internal management of those locations, and for dividing the territory into future magistracies.

This last instruction, also, adverted to an intention to give to the located natives "a fixed interest in their particular allotments." To assist in these new duties—long after the principal locations had been recommended and declared—the Commanding Royal Engineer, and another American Missionary, known to deserve the confidence of the government, and (as long their only minister) believed to enjoy that of the Dutch, were added to the Location Commission.

The very important service gratuitously rendered by these American gentlemen was improperly viewed as an interference in politics—a course which, I believe, all of them sedulously avoided here. It is true, that when invited to give their evidence, one of them gave more of the truth than was desired, and his evidence, rudely vilified in the report, was specially condemned in the dispatch, as well as included in the general censure as emanating from persons "who saw but one side of the picture."

Mr. Pine had reported (11th October, 1851)—"I have merely to remark, that I do not see how any minister of religion can be expected to officiate in accordance with the views of the majority of the settlers!"

Those "foreigners" gave what their censors did not attempt to meet—the *true* side of the picture; and if they did not conceal their contempt for the conduct pursued in ignoring our just obligations, no honest Englishman will blame them.

> Their father's blood, before their father's face,
> Boiled up, and proved them worthy of the race.

The same published pledges now detailed were frequently cited by some of their number, and by Mr. Shepstone, but especially by the Wesleyan missionary (Davis.) Had they been produced, there was an end of the affair. How they were noticed or avoided in the report and despatches, will be seen.

On the 8th March, 1847, appeared another Government Notice, approving of a fourth location (Inanda), which had, like the others, been previously notified (4th February.) This notice, also, repeated the former approval of the locations declared in August, 1846, but all in these *new* terms—"The Lieutenant Governor is now prepared to signify his provisional approval, until Her Majesty's pleasure is known, of all the said locations and boundaries, as notified in the dates above stated."

In the report of December, 1853, the changes were ceaselessly rung upon one or other of the synonymes of "projected," while the dispatch-writer, placed reliance upon the effect he could give to the word "provisional" alone. It is really cruel to be obliged to deprive his sorry case of this, its main stay.

It had always been intended by Mr. West, in conformity to the usual practice in church, and other grants to bodies of men, to vest the reserves, called Kafir locations, in the hands of trustees, for the use of their native occupants; partly, indeed, to secure them from the caprice of individuals in office, but mainly on account of the previously ascertained effects of such precautions on the savage mind; it having been long held at the Cape (amongst others

by myself) that one of the first steps towards social advancement is to lead the savage mind to look up to something superior to the mere will of any individual.

A doctrine strongly enforced in a paper I had submitted to Sir B. D'Urban in 1835, of which I handed the original draft (since recovered) to Mr. Pine on the 5th September, 1851.

But when the terms of the previous approval of August, 1846, were still under consideration, Mr. Shepstone, whose opinion had, probably, been asked, wrote me officially that "It would better answer the end of their own good government, that each of these locations should remain crown lands appropriated solely to their use;" adding this *very material* opinion, considering the quarter from which it came—"*To my mind the faith of the government stands as deeply pledged as by the granting of a legal title deed.*"

My superior, at *that* time, was a man of that stamp, that, in his estimation, the faith of the government was *more* "deeply pledged" by this course, the formal grants having thus become a debt of honor. At the same time prompt decision was essential. No kind of grant could issue without previous admeasurement—an undertaking demanding more time than could be allowed, consistently with the object—of speedily placing the natives on their land, and thus giving confidence to the whites also. Some expence would also have been necessary, at a time when, in common with many private grantees, the government, fed by monthly subsidies, were without the means of employing any surveyors.

On the other hand, when this, the *second* approval was issued, it was known that the forthcoming report of the commissioners, which, in consequence of the absence of some members, was not signed and delivered until the 30th of the same month, would present the question in a different aspect.

It was then suggested that "the only means of at once giving to the natives the full benefit of any land appropriations, would be to vest all such lands in the hands of trustees for their use."

This was in entire accordance with the views of the government; but, for the reasons just stated, this could not be done "at once." The alteration of the approving notice, which alone could be issued "at once," arose from the following suggestion in the context—"*The government reserving to itself the right to convert them, or any portion of them, into freehold grants for such natives.*" No legal alienation was effected by either of these forms of notice; but the government, quite concurring in the views of its officers, felt that the previous approvals having already constituted the strongest moral obligations, no government could, without some reservatory clause of the kind, alienate any of the lands within locations, *even to their native occupants*, and those know little how civilized principles act on the savage mind, *if made intelligible*, who deem this a point of secondary importance!

Had we been dealing with the firm on "Saffron Hill," the intent of the alteration might have been more fully expressed; enough, that pending the approval of higher authority, and the requisite surveys, nothing more was meant than—to reserve certain powers, for the purpose suggested by the commission, and for *that alone*, and that, having been empowered to form no other than "permanent" locations, that word was not discontinued when the other was introduced.

It has been recently attempted to revive the distinction between *aborigines* and *refugees*, which was abolished by these words in this notice (8th March, 1847)—"The Lieutenant Governor is also prepared to give his provisional sanction, until Her Majesty's pleasure is known, to the continued residence within this district, during their good conduct, of such refugees from the adjacent native tribes as are now within it, provided they reside within the boundaries of the said locations, or of such other locations, as may be hereafter approved, or otherwise obtain the consent of the proprietor, and the approval of government, to their residing upon land the property of individuals."

The distinction between aborigines and refugees had been noticed in the instructions only because suggested in 1843. In our relative circumstances, the discussion of such questions might have been as hazardous as it was idle; we had no means of drawing the distinction, or of enforcing it, if drawn; expulsion was never mentioned, except *in terrorem*, as the approved penalty for non-payment of the hut tax in 1849.

On the 14th April, 1847, a government notice announced certain proposed alterations in the boundaries of locations, and also that "certain land on the *Bluff* had been claimed by the chief Umnini and his tribe, who now inhabit it."

As this was the only location where no farms had been "registered," as it was known that its occupants were aboriginal natives, who never had, like all the other tribes, been dislodged by the Zulus, and as I had, some years before, published proof that in the year 1687 (shortly before a few Dutchmen landed in Natal, *and many in Torbay*), the ancestors of the present occupants had (as shown in my first lecture in 1852) long kindly sheltered and entertained some shipwrecked English seamen—the recommendation was confirmed (4th May) on unusually short notice, care being taken by making the boundary run by "the *house* of Mr. Ogle," to secure to the natives the use of the water.

This was the land, the sale of which, in November, 1851, called forth the animadversions above cited, though (as already mentioned) it was the only location not called permanent. It was called a "temporary provision," only because (no removals of natives into locations having been then effected) it was presumed that the tribe might prefer being located with their countrymen elsewhere, to comparative isolation on that headland.

This location was also the only one not mentioned in the letter of December, 1850, on which, as already said, with reference to the proposals of the previous month, for compensating claims in locations, the officer who subsequently sold the land was obliged to state the dates of the formation of locations with much greater precision than that observed in 1854; for Mr. Chiappini was not a man whose pretensions could be trifled with, as were the acknowledged rights of the natives.

The omission, however, was not Mr. Pine's, but *mine*, probably because (the inquiry having exclusive reference to farms) no farms were there.

In the notice of 14th April, 1847, were also set forth, for the first time, the grounds upon which the government had determined to carry out the removal of natives into locations, "*by force of necessary*," to be exercised, however, said the notice emphatically, by the diplomatic agent (Mr. Shepstone) *exclusively*."

The grounds set forth were that "*the undisturbed* use of separate tracts of country, for the European planters, and for the natives, were indispensable to the welfare and *security* of both." Words that would have been unpardonable, had it been intended, that the locations just before "provisionally" *approved*, were not to be as "permanent" as the grants to the "European planters."

It was an essential part of the policy indicated by circumstances, that natives should be coerced—where such was necessary—by native hands *alone*; for had the *passions* of the parties to be conciliated been placed in opposition, all endeavours to prevent collision of *interests* must have failed.

The order to remove into the locations had reference to a warning, issued two months earlier, and applied to natives scattered along the coast, who were required "*either* to place themselves within one or other of the locations which *had* (in the words of Mr. Shepstone) *been appropriated to their use, or* obtain the consent of proprietors to reside on *their* ground."

These removals were effected (May to July, 1847) before the sowing season, and were carried out without resistance, or causing any known alarm to the whites. Much more hazardous measures were afterwards (1849) effected, through the same discreet agency, in the interior, when the Executive Council were of

opinion that—"It is on the prestige of the government in the eyes of the natives alone, aided by a handful of Kafir police, that we depend, as the means of compelling the chiefs to array their forces, under our direction, to carry out, without bloodshed, the removals now in progress, of numerous unwilling and refractory tribes into their *appointed locations.*"

These had reference to the removal (some fifty to sixty miles) of numerous tribes who had sought refuge from the Zulus by entering the colony towards Klip River, when the offered aid of the Boers to remove them was declined (with the hearty concurrence of such of them as could appreciate the motive), and when the removals, after much sullen, but chiefly passive, resistance, were again effected, without causing the slightest injury or alarm to the whites And to dismiss this part of the subject, the tribes so coerced in 1849 were *this* year (1858) employed, also under white direction, against some of those by whom they themselves had been formerly coerced.

Much has been said by persons who have yet to learn the first elements of such questions, against the policy of thus employing the natives, and ever since Mr. Shepstone's remonstrances of 1851 against the perilous encroachments then commenced on the locations, particular parties have been engaged in a persecution of that gentleman, equally rancorous and senseless; for, but for his interposition, the colony would have long since tasted the fruits of the seeds they have sown. The memory of that gentleman's services to Natal will long servive those misconceptions; and meanwhile no amount of misrepresentation can deprive him, and the principles he represented, of the merit of having removed to their appointed lands preponderating masses of uncivilized men, without causing the least annoyance to their neighbours. Our children will also allow him the chief credit for much that has been done, and more has been *prevented*, by means of the very policy so heedlessly and ignorantly decried.

Towards the end of this year (1847), important movements took place in the interior. The large tribes (afterwards removed as above) fled into the colony, and some ambitious men stirred up the few Dutch residents in that quarter (forty to sixty families) to take certain steps inconsistent with their duty, as British subjects, and, when the oath of allegiance was tendered, as the condition of oblivion, to *trek* into the adjoining country, now the Free State, while Pretorius was industriously engaged in inducing others to follow them, with the transparent view to open resistance to British authority. Otherwise all was peaceful, and the government were awaiting a decision on the application which had been made (April, 1847) for the means of paying the immediate cost of the machinery required for the internal management of the locations, when (Feb., 1848) all was changed by the sudden arrival in Natal of a paramount authority—Her Majesty's High Commissioner, the Governor of the Cape Colony, Sir Harry Smith.

The main events of 1847 having been thus stated, it is proper now to ascertain what view of *the same events* was presented to Her Majesty's Government in the narrative above mentioned, as having been furnished in 1854.

Of these the report says—"On the 30th March, 1847, the location commissioners reported * * but their report is altogether silent on two most important points, namely—the extent and position of these *intended* locations."

I need hardly explain that this was the report on internal management—"extent and position" had been previously provided for, in notices on which others were "altogether silent!" Those notices would have best told their own "intention" The report says further—"It appears that the location commissioners set apart, of their own authority, about two millions of acres of land for the Kafirs," * * and that "they did not at first intend to grant such enormous tracts to the Kafirs, but that the extension originated in the suggestion of some of the missionaries." "On the 30th December, 1847, the Home Government pointedly refused to advance the money. * * So far, fortunately for Natal * * since any system must have failed when based on the enormous locations *contemplated* by the location commission."

I find no more in this narrative applying to 1847 in particular. The following have a more general application—"The repeated complaints of the then local government that 'the crown lands were being squandered away wholesale,' that 'the crown estate was being dilapidated,' and 'that there was a deficiency of good land in Natal for emigrants,' had been 'unfortunately credited by the government.'" (*Vide* dispatch 1st November, 1850, and map).

"The utmost extent of land required to satisfy all the claims of 1843 and 1848 did not exceed from three and a half to four millions of acres. The contrast between this suicidal illiberality in respect of land towards the whites, * * and the reckless extravagance of the *projected* grants, amounting to two millions of acres, to the Kafirs, * * is very striking (according to Owen, in 1854, five to six thousand whites, to one hundred and twenty thousand blacks!") "The whole of the lands now (1853) in the hands of private holders does not exceed five millions of acres, large portions of which are still unoccupied and in the market. Thus many divisions of this beautiful country have as yet scarcely one white inhabitant!"

In reply to the tenth query in the instructions as to "the removal, in times past, of natives from particular locations," it was stated, in a different part of the report—"Other removals have taken place, at the instance of government, as when Kafirs were ordered to remove * * into *locations, or other appointed situations*, some of these locations are defined and others are not."

Of the events of 1848-9, this report says—"The proclamation (of Sir H. Smith, 10th February, 1848) *forbade* the intermixture of Kafir locations with the properties of the original (!) occupiers of land, and *ordained* that a distinct line should be established between the whites and the coloured races."

"In 1848, the land commission, a board originally appointed by Sir H. Smith, comprising some colonists of extended local experience, were instructed by the Local Government to investigate and report on the Kafir question. The board arrived at conclusions widely different from the proposed plans of the location commission as to locating the Kafirs. On the 19th of April of that year, they fulfilled their instructions, and, among other things, reported that "three-fourths of the one hundred thousand Kafirs in the district were foreigners." "That five locations of fifty thousand acres each, was the utmost extent of land that should be set apart for the Kafirs." And "recommended the removal of a portion of the Kafir population to between the Umzimculu and the Umzimvoobo." (A reference to page 31 of the papers presented 14th August, 1850, will show that here are nearly as many "inexactitudes" as words.)

"In his despatch of the 30th November, 1849, Earl Grey states that, in his opinion, permanent locations for all the Kafirs onght to be established. (Such had been established in 1846 and 1847, on Lord Stanley's authority, for the greater portion of the Kafirs.)

"The location of all the Kafirs had, however, been proceeding in the interim (two years earlier!) but on principles directly opposed to the recommendation of the land commission (*vide supra*) and the instructions! (always impracticable for want of open land "amongst the European settlements," besides coming *two years too late!*) "of the Secretary of State for the Colonies."

"The proceedings of the location commission were condemned by the settlers generally (*vide infra*, government notice 20th February, 1849), and have never been submitted to, approved of, or confirmed by, the Home Government." "The location of the Kafirs on the principles contemplated (!) by

the location commissioners was also forbidden (!) by the proclamation of February 10th, 1848."

The following are all the notices of the same events to be found in the "narrative furnished in the *dispatch*," as placing the subject of native claims before you in its true light." (5th September, 1854)—"In March, 1847, the commission on the subject of the natives sent in a report, in which they recommended that locations should be formed." "In May following, certain locations seem to have been provisionally defined, and the natives directed to move into them." "There is one point connected with this proclamation (10th February, 1848) which should be mentioned here, namely, the provisions made in it for separating the black from the white race, thereby virtually abolishing the native locations as then defined. This part of the proclamation does not appear to have been carried into effect."

"In April, 1848, a proclamation was issued, provisionally establishing the native locations. No distinct boundaries were, however, assigned to them, and I do not find that the measure ever received the sanction of Her Majesty's Government." (The proclamation shall speak for itself)—"In Earl Grey's admirable dispatch of 30th November, 1849, of which I brought with me a duplicate, his Lordship ordered locations to be formed. (The words of Earl Grey, even as cited in the report, were 'permanent locations.') I found, however, when I came to consider the subject, that the native locations had, before my arrival, been provisionally defined, but in a manner utterly at variance with the admirable principles suggested by Earl Grey."

According to this, the writer had not "come to consider the subject" in August, 1851, when he declared, by proclamation, that his proposals, of the previous 1st November, relative to the native locations, "appear just and reasonable to the Secretary of State *and to me!*"

"I do not find" that the report or dispatches which purport "to place the subject of native claims before you in its true light," contains any direct allegation that even such minor notices as were incorrectly or slightingly cited were not valid pledges of the public faith, or that they could be departed from without directly disobeying the orders of the 14th February and 22nd July, 1852, which, setting aside all other as minor considerations," insisted upon the preservation of good faith, upon not affording "the slightest ground" for such a charge.

Before proceeding to detail the public transactions with the natives during the remainder of the period to which I have confined myself *for the present*, I must point out that it can hardly be pretended that a true knowledge of those transactions can be collected from the papers recommended to Her Majesty's notice on the 10th of April last; notwithstanding that it could not but be gathered from my repeated warnings that I had enjoyed peculiar opportunities for ascertaining that they should not be so recommended—while their contents were unknown;—and further, that it was inconsistent, in my judgment, with my duty to this colony—to England, and to myself—to permit pledges to be departed from, in which the interests of this colony were no less involved than the national honour—without remonstrance.

And I shall not permit *the* question to be evaded by an inquiry into the propriety of the course adopted by the instrument, or by any endeavour to show that my proceeding had reference to *any other* papers than *a certain report of* 1853, *and the dispatches on that subject.*

I shall not even now debate that *secondary* question, but at once ask,—Is any one prepared to deny that those papers are calculated very dangerously to mislead? No one has hitherto denied this, but I shall proceed to prove it.

It will at once be seen, on comparing the extracts from those papers which have been cited, with the facts I shall cite from the *Government Gazette*, that —whether from ignorance or otherwise—they were most deficient, where they should have been most perfect. They furnish fearful confirmation of the admission of Mr. Pine, that "the task" of preparing a narrative which professed "to place the claims of the natives in their true light," had been "imperfectly performed, especially as to the government of his predecessor."

It has been already shown that *all* those claims had their origin in that period, and I shall now prove, by two out of many instances, that the chief deficiences of both narratives relate to the most essential points.

It is stated in the report, as has been more fully shown above, that on the 19th April, 1848, the land commission appointed by Sir H. Smith, "came to conclusions widely different from those arrived at" by the less perfectly "constituted location commission," and "fulfilled their instructions" by then making certain recommendations. In proof of this statement, reference is made to the *Blue Book* for 1850, pp. 30, 31. Let the reader refer to those pages and judge for himself.

The writer (as further appears from this evidence) had mistaken a paper "laid on the table for consideration," for a report of the board, and a preliminary representation, in the nature of a protest, that they did not see where they could find land for the whites then *expected, unless* the blacks were removed, for a recommendation that they *should be* removed! Thus furnishing the support of the supposed suggestion, in 1848, of a board containing "some members of extended experience" to the actual proposal of 1853.

The imperfectly constituted board, consisting, furthermore, of two official, and an unofficial member, and the other of three official members—Col. Boys, Mr. Boshof, and myself.

The report states what the land commission did *not* recommend, in April, but omits to mention what it *did* recommend in August, though that was stated in the *only* proclamation issued on the subject—that of April, 1849. Mr. Pine's notice of that proclamation has been seen, as also his statement that one main "provision" of Sir H. Smith's proclamation had not been carried out. Let the reader consult the proclamation of April, 1849 (Ordinances ii., 54), and believe his own eyes—the declaration of locations, *in all* the four situations previously fixed, and in three other situations, is expressly founded upon "*the recommendation and suggestion of the land commission appointed by His Excellency Sir H. Smith, while administering the government of this district.*

Secondly.—Neither the report nor the despatches make any mention of the formation of the three principal locations in 1846, in which the much misinterpreted word, "provisional" does not appear, and both state these measures to have been unsanctioned by Her Majesty's Government, though Lord Stanley's dispatch of 13th July, 1844, is expressly cited in the printed instructions as the authority.

Thirdly.—When it has been added that the proofs so omitted were the main proofs that the rights which were thus referred to by Earl Grey in February, 1852—"You must be particularly careful to avoid giving the slightest ground for reproaching the government with bad faith towards the natives;" and by Sir John Packington in the following July—"I must insist, as long as I have the power, on the most rigid justice being observed in all land transactions with the natives," had been already conferred, both these ministers basing their instructions on "the lower ground of national safety, as well as the higher one of national honor;" and

That the writers of the papers against which I have been compelled to warn this colony, were actually endeavoring to secure the sanction of the department from which these orders emanated, for setting them at nought; representing, at the same time, their inability to effect that purpose without the employment of more physical force than what was at their command.—I shall say no more in vindication of my object. As in the case of "G. R.," undeniable facts, and sound principles, do not solicit, but *command* attention, both here and elsewhere.

Irrespective of the omission of such material facts as have been just mentioned, it has been shown that

by the application of such qualifying terms as "contemplated," &c., or such direct terms as "forbidden," it was endeavored to convey, in this report, *what was not directly alleged, either in it or in the dispatches*—namely, that no valid claims had been created in favour of the natives by the acts of Mr. West's administration.

If such were the impressions it was proposed to convey—and this can hardly be denied—how does it happen that such passages as the following were allowed to remain in the same paper—"In other words, the fatal error has been committed of providing for the subsistence of a great Kafir nation within the district." And again—

"This would be a repetition, on a more gigantic scale, of the error fallen into at Natal, and *would create claims, in favor of the Kafirs, and against England, by England's own act!*"

I once more, with all due courtesy, invite "G. R.," on the principles in which he anticipated two successive Secretaries for the Colonies, to pronounce, *ex cathedra*, whether the formation of permanent locations, under the authority of Lord Stanley's dispatch of July, 1844, as recorded under my signature in the *Natal Government Gazette*, and in the *Natal Ordinances*, pp. 234, 253, be, or be not, "England's own act?" and when that point has been determined, he can, perhaps, inform the public whether others than the late Mr. West are not apt to commit "fatal errors?"

Passing over, for the present, much similar proof, I shall not further anticipate my own narrative of the remaining land transactions with the natives during that officer's administration, than by showing—first, what his successor said of this report; and second, such reasons as he gave for *any* omissions in his account of the proceedings of his predecessor.

Five months after the date of the report, and soon after it had been transmitted, he said of it, in a despatch of 158 paragraphs, all on its subject (29th May, 1854)—"I regret that the value of the document is, in some degree, impaired by" (certain technical defects of 'arrangement,' &c.,) "but notwithstanding these defects, and though I cannot concur in some of the sentiments it contains (and he certainly dissented, on what I think good grounds, from much that concerned what was called 'industrial training',) I am bound to record my opinion that this report is one of the most able official documents that has proceeded from this district, and well deserves your Grace's very careful consideration."

Five months later (5th September), another despatch (of 110 paragraphs), was devoted to a minute and generally favorable "review" of the report, and the twelfth and penultimate paragraph of a third (24th October) was in these words—"In concluding my remarks on the subject of native government, I would again beg to record my high sense of the industry and ability displayed in the report of the commission, and I have to express my earnest hope that the opinions and suggestions contained in it, exhibiting, as they do, the views of the most intelligent part of the community, will, with the modifications suggested by me, be sanctioned by Her Majesty's Government, and speedily carried into execution."

Had any chief clerk, ever under my directions, laid before me such a character of such a paper, after having had it some days, instead of some months, in his hands, in the office which contains its authorities, I should certainly have informed my superior that he was unfit for his office, as being deficient either in the requisite intelligence or the requisite integrity.

I have good reasons, reasons which all interested in friendly relations with those around us, would approve, for refraining from very materially strengthening these statements, by proving the *comparative* merit of the "report," by any explanation of the "modifications;" enough that Sir George Grey (who had then succeeded the Duke of Newcastle) seems to have followed the good advice first given, and deemed the subject to "deserve very careful consideration," rather than that just cited. At least, thanks to that secretary, we are living witnesses that they were not "sanctioned."

The eighth and ninth paragraphs of the final despatch thus convey the only reasons given, in the course of those papers, for any omission.

"Mr. Macfarlane also appears to think that I have not sufficiently pointed out the defects of the past system of native management. The discussion of this subject is, however, to me a particularly unpleasant and painful task."

(The same word "*task*" had been thus employed in the previous despatch—"I am sensible that the task has been imperfectly performed, especially as to the government of my predecessors." "Most of the evils of past management of the natives originated in acts committed, or omitted, prior to my assumption of this government, and for which I am in no way responsible. To have commented upon these with undue severity would have been very uncourteous and improper. I have never, however, shrunk from denouncing evils, such as the present native locations and other matters, which require and admit of a remedy, nor have I failed to advert to mistakes, the remembrance of which may be practically useful in preventing their recurrence; but to dwell on errors, the exposure of which would be productive of no good, and some of which, if viewed in the light of the days when they occurred, might be shown to have been unavoidable, was a proceeding as repugnant to my feelings as to my duty, I conceived that the dignity and responsibilities of my office would be best consulted, not by needlessly commenting on the evils of the past, but by suggesting what I thought a right course of government for the future."

As this gentleman had just before expressed the same high-minded reluctance to pursue certain measures, for no better reason than that "they would have looked extremely well in despatches to Her Majesty's Government and in the parliamentary papers," it would be ungenerous in any member of "the government of his predecessors," to permit him thus to "do good by stealth;" and when I shall have laid open the acts of his own administration, should he "blush to find it fame," he will, at least, admit that I have not departed from his own rule, and that "his courtesy has been met as freely as 'twas *nobly* given!"

I have mentioned one instance (and I remember no other) in which, for weighty reasons, important information was withheld from the public by Mr. West's orders, until the peril was past.

True, we had not here, as at Sierra Leone, but one hundred whites to fifty thousand blacks (incorrectly printed "five thousand" above), but had our whites perceived, by the instructions for locating the natives, that the blacks outnumbered them by from fifty to one hundred to one, the feeling that dictated the "curious letter" of Pretorius, in 1848, (*i. e.* "however you may move them, we shall still be surrounded by savages") would, at least in Mr. West's opinion, have become universal, and the whole colony would have been deserted by its mere sprinkling of Boers.

As far as I know, nothing requiring concealment was *then* done; and with that solitary exception, I believe that every thing regarding our native relations, which it concerned the colonists to know, was instantly published by ourselves, certainly much more frequently than has been subsequently the case.

Whether the plea of tenderness for others should suffice to cover *such* omissions as have been shown, and all mention of the most important public transactions with the natives, in which our responsibility was shared by such higher authorities as Sir H. Smith and Lord Stanley, or whether the declaration in the *Gazette* of permanent native locations, under the express sanction of both, were properly passed over as "evils," "defects," or "errors," in a narrative which professed to place in its true light the result of protracted inquiry into "the subject of native claims," I leave for others to determine.

This matter, however, may be allowed to stand over for the present, as the gentleman who appeared

to think that Mr. Pine "had not sufficiently pointed out the defects of the past system of native management," is on the spot, and will have no difficulty, and it is to be hoped, no reluctance, to point them out himself.

The generous impressions under which Sir H. Smith issued his proclamation of 10th Feburary, 1848, may be seen from his dispatches. He was unaware that the extensive fields he descried from the mountains had, for the greater part, been already alienated to whites, and was, probably, equally unaware of the nature of the previous land transactions with the natives.

He was also unaware, as appeared by his letter of 10th November, that the only difficulty foreseen by Lord Stanley in 1844—namely, "inducing the natives to gather themselves into the separate tracts of country," which had been proposed for their "permanent" location, had been surmounted by measures of severity which much strengthened rights already more than sufficiently recognized.

Even Mr. Pine's narrative said that "natives had been directed to remove into locations," and though nothing of this was noticed in the narrative portion of the report, it elsewhere appeared that "other removals have taken place, at the instance of government, as when Kafirs were ordered to remove into locations, or other appointed situations."

But this fell infinitely short of the reality, both as concerned the attendant difficulties and their effects on the rights of the natives when surmounted. A few days after Mr. West's death, Colonel Boys (his temporary successor) published a government notice, warning certain natives unwilling to move into a permanent location, that "the white inhabitants, as well as Her Majesty's troops, had arms in their hands, and knew how to use them, in vindication of Her Majesty's authority."

Having thus used Her Majesty's *name*, and successfully, some allowance may be made for the feelings of this old soldier, who, when asked to consent to the sale of twenty thousand acres of another permanent location, felt that something was then due to Her Majesty's *honor*, and, as the senior member of the Local Council, bluntly answered—"I hold it unjust!"—(Vide Minutes of Council, 3rd September, 1851.)

Sir H. Smith was also unaware that, apart from the strong desire of the natives that a white population should remain, for their protection—apart also from their habits of implicit obedience—and ignorance of land rights, the compliance of the many with the orders of the few, mainly arose from a belief that the justice of the few would maintain them in the possession of the rights so acquired.

The formal words "ordained" and "provisions," were applied to this proclamation evidently to enhance its authority. The true character of the latter may be best understood from the words.

Having met, in the course of their *trek*, the migratory families above mentioned, His Excellency, not merely in kindness, but with the best public motives, invited them to return to Natal by liberal promises of land, together with those concerning amnesty, and those which regarded the location of the natives, which were thus expressed—"I hereby declare that part of the proclamation of 25th Oectober, 1847, as regards the oath of allegiance, null and void."

(After nominating four persons, of whom the leader of the malcontents was one, and I another, as a "land commission") it was declared that this was done "for the great and sole object of placing in his true position, and on his own land, every one of Her Majesty's subjects, burghers as well as Kafirs, that each and all may be equally protected, and all intermixture avoided." And, in a subsequent clause, "I hereby declare that such intermixture cannot be, and that all classes of the colored population, who have had free locations given them, must be removed, so that a distinct line be established between the different classes of Her Majesty's subjects."

By this proclamation, as well as by a subsequent minute (May 24), drawn under legal advice at Cape Town, the local government was both empowered and ordered to carry out, subject to the approval of His Excellency as Her Majesty's High Commissioner, all the recommendations of this new board "as to land *and locations*"

Sir Harry having, very unequivocally, declined to hear my objections to these measures, while still undeclared, or to excuse me from serving on a board ordered to reverse the policy previously directed by Her Majesty's Government, and, as far as concerned the natives, previously eminently successful, and that in conjunction with one, known to me, and soon after declared to be a rebel,—I availed myself of my right, as His Excellency's public secretary for the time, to submit to his consideration a series of official queries, which, together with the replies, may be seen in the printed papers (1850, p. 144)

The latter were, on this subject, sufficiently explicit :—

"The Kafirs must not interfere with the Dutch farms. This is the great bone of contention. The Kafirs must be gradually moved, receiving good gardens in lieu. It must be met with energy, and carried out with as much mutual justice as the great principle—'The Kafirs must not interfere with the Dutch farms,' admits of."

It appeared, however, by another reply—"There is no occasion to remove the Kafirs, where no white population is. The converse is the rule." And again—"The removal, when absolutely required, is practicable."

New principles being thus prescribed by competent authority, it became the duty of subordinates, in all their best, to obey; but, as Canute could not persuade the sea to retire at his command, circumstance is, occasionally, more imperative than instruction. It was very easy for the sword that conquered at Aliwal to cut the gordian knot *on paper*. I speak from carefully prepared returns, when I say that the rights of about 250 whites to some 500 farms (of which about one-fourth were in any way used, and about one-eighth used by the owners personally) had been inextricably intermixed with the scattered abodes of many thousands of natives, until, from the submissive and confiding diposition of those natives, outnumbering the whites in the proportion of at least fifty to one, some two-thirds of them had been congregated, by removing many of them from the comparatively open country claimed by the whites, into the rugged situations in which many others (probably the majority) were found to have previously retired.

Some months later I furnished the graphic demonstration, now at the command of all (and in November, 1850, Mr. Pine, *by connecting the sketches previously sent by me*, repeated this demonstration), that, supposing the blacks to be willing to move again, to draw a line of separation, without cancelling a large portion of the grants, was *physically impracticable*.

Besides, though the natives had shown themselves submissive to orders they deemed necessary for their welfare, if not strictly just, still, to some extent, the most submissive population seem to obey the laws of gravitation, and, like a fluid swept aside, will return *unless replaced;* and, in this case, the anticipated contingency of the return of a white population to replace the blacks, *never occurred*. Beyond the families who returned to Klip River, there was little to compensate for the million and a half of acres, in addition to two millions and a half previously granted, except the stimulus of expectation, which certainly induced many to occupy their lands, and revived the spirits of the colonists.

Had the rule of 1848 been observed two years earlier, and had no Kafir been removed "where no white population is," the Kafirs would have been left in possession of nearly the whole territory. For then, still more than in 1853, "many divisions of this beautiful country were without a single white inhabitant," and also (though in a much less degree than in 1853) without *disposable* land.

Mr. Pine proved, graphically and otherwise (1st November, 1850), that what little land had "escaped registration" in 1843, and selection in 1848, lay in remote bleak and elevated situations, where all here

know that water is the only necessary of life that is at hand, and where fuel and "good gardens" are not.

In such circumstances as these, it was easier to say "remove the Kafirs, and give them good gardens in lieu," than to find "good gardens" for such large numbers of people. Fortunately, however, for the tranquillity of Natal, Sir H. Smith had placed on the commission Mr. Boshof (now the President of the adjoining Free State), whose previous position enabled him, better than most of his countrymen here, to perceive the necessity of fixed rules, and to form a just opinion as to the validity of the pledges previously given to the natives.

The remaining South African member of the board was discussing politics with Sir H. Smith at Boom Plaats (another was afterwards put in his place), while under the rule that "all acknowledged rights should be respected," and supported by the opinion of Mr. Boshof, that removal, however desirable he deemed it, "could not be justly and safely effected," and the rule "there is no occasion to remove the Kafiirs where no white population is," no applications for lands within locations were entertained, and the removal of the Kafirs was *never*—as has been supposed—recommended by that board.

Beyond this, it was solely owing to the rules founded on the replies to my queries (and which at once dissipated the serious apprehensions of the Emigration Commissioners), that a single acre of land was left for the emigrants, who began to arrive in July, 1849.

It was four months after their appointment before the Land Commission were prepared to issue *any* of their imperative "suggestions" relative to the locations of the natives, and they then recommended the formation of a new "permanent location," and the forcible removal into it of the surrounding natives, and this was the measure already noticed as having been attended with much difficulty, though successfully carried out by native hands alone, without bloodshed or alarm to the whites.

When it was desired to make light of such events, the Secretary of State was only told that "the natives were *directed* to remove into these locations;" but when evidence on the other side was wanted, there was no difficulty in procuring a statement (pp. 1853-55), that "Mr. Shepstone could not, four years ago, move a few hundred Kafirs from Boer farms, without *an armed force, bloodshed, burning kraals,* &c.

Why was the information in my *almost exclusive* possession, not elicited at an earlier period? It is nearly six years since a commission were authorised to examine witnesses, who also invited written communications on all the main points—*none* could have given them exact information *but* me. Mr. Shepstone was the next best, but he only knew what concerned his own department.

I perceive from the evidence (6, 57), that he fancied that the Land Commission had *really* made the proposal of April 19th, 1848, which a reference to the authority cited (PP. 50, 30, 31) shows that they *did not* make.

In like manner the Judge (1-40), from want of daily familiarity with the subject, "had no notion why" orders issued in November, 1849, "were not carried out by this government," though a mere reference to dates would have furnished one of several satisfactory reasons. I can easily imagine why my opinions were not desired.

On the 10th August, however, after half the time allowed had expired, without any appearance of sufficient claimants to justify the removal of the natives, and when it was notorious that (as officially reported by Mr Shepstone, four days later), "the uncertainty hanging over this matter has produced, and is still likely to produce, very unfavorable results on the minds of the natives towards the government." Sir H. Smith's Land Commission made a recommendation which—like that just mentioned—seems to have quite escaped the notice of the writers of these reports on "native management" during their two years of investigation.

I know not how I can better express the views of that body than in the words afterwards employed by Mr. Shepstone—"We yielded to the force of circumstances, finding that any other arrangement than leaving the natives in the possession of the rugged situations into which they had retired before the competition for more desirable spots, would involve the sacrifice of ten times as many farms."

But we knew further, that if, in compliance with ignorant clamour, encouraged by the compliant disposition of the natives, we had made a needless or a manifestly unjust suggestion, that the natives concerned would have merely, in their phrase, "sat still" and smiled at us; and we deemed it inexpedient to make a suggestion—even had such become proper under our instructions—which would have obliged the government to make an attempt, without adequate means of overcoming resistance. Not that it was apprehended that the natives would maintain the rights we had conferred, as we should have done in their place, but that *the original motive power had been entirely destroyed*—and that any unjust order, in violation of a former promise, would be met by a sullen, passive resistance, which no attempt could be made to overcome, without at once destroying the *prestige* of our power. This good cabinet argument was not, however, set forth in any officia report that I have seen of an earlier date than 16th December, 1853.

The truth is, that when the Land Commission, who had been ordered to remove "all classes of the colonial population who had had free locations given them," recommended that permanent locations should be formed, in seven situations, *including the four which had been formed to their hands*, nothing else could have been done, with propriety or with safety. The recommendation, however, tended to preserve the dignity of the government, and it was required to give validity to its subsequent notices respecting locations.

There was some difference of opinion as to extent; some locations were suggested of "about fifty thousand acres," others to await inpsection. Though fully alive to the necessity of re-assuring the native mind, after the serious shock sustained by the mainspring of *his* system, Mr. West was in no haste to act upon this authority, being too discreet to expose the colony to the risk of a *second* shock, should the High Commissioner avail himself of the reserved power of approval, and *again* disallow an engagement entered into by his subordinate. Leaving, therefore, the expected tenor of his confirmatory proclamation to transpire orally, after having made two references for the opinion of the board on various points arising out of their recommendation, he determined that the power which the High Commissioner had reserved, should be exercised *before* any new declaration on the subject, and accordingly submitted the whole question for the decision of that authority on the 30th September, 1848.

Though this material fact, also, was ignored in 1853-4, the reply of Sir H. Smith, dated 10th Nov., is quite as legibly printed (p. 50) as any other paper in these words—"With reference to the recommendation of the Land Commission for the establishment of six locations, which your Honor has declined to act upon until you receive my instructions, I have to request that, since you are on the spot, and consequently able to form a more correct judgment than I can possibly be, your Honor will be pleased to be guided by that judgment."

To this full transfer of his paramount authority, His Excellency was pleased to add—"My object has been, in any interference on my part with the locacations, to remove, from the immediate neighbourhood of the farms of the Boers, the natives whose locations were, in my mind at least, injudiciously mixed up with them, but I have no desire to remove those who are, very properly, located in separate bodies."

There may still be some who prefer the authority of the *unread* papers recommended in April, and believe that the native locations were "forbidden," or "virtually abolished" by Sir H. Smith! The Legislature is now *first* furnished with the true facts.

There still remained, however, sufficient reasons to

induce Mr. West to delay issuing the proclamation in which he proposed to set the question at rest for ever, before attempting to tax the natives. The whites had obtained a right to select new farms during a period which would not expire until the 10th February, 1849, and, however undesignedly, on the part of the board, several of their recommendations appeared, when referred to the survey department, to interfere with the locations, so that much caution was necessary before I could safely subscribe my name to the "stern and impassable barrier" presented by the two words—"acceded to."

Another reason, founded on considerations of policy, may be perceived in the newspapers of the period. The excitement caused by a measure that held out high hopes to every applicant (until checked by the rules), had been productive of sundry expressions of feeling, not very favorable to future friendly relations; and Mr. West thought it desirable that what he justly deemed the feelings of the majority of the reflecting portion of the colonists should be so expressed that the natives might be led to regard the re-confirmation of their land rights, rather as an act conformable to the general sense of justice of the white man, than merely as a boon, for which they were indebted to the justice or favor of the Executive.

The *Gazette* of the 10th January contained a notice that after the 10th February, the Lieutenant Governor would be prepared to declare the situation, and, as far as possible, the boundaries, of the several native locations: and a subsequent *Gazette* promulgated a "scheme for the location of the Kafirs," according to the public opinion of this place, as collected through fourteen commissioners, certified by Mr. James Archbell, as chairman of this Municipality, and stated to have been "cordially concurred in" by that of Durban.

It will, I think, appear, on reference to that scheme, that (except that it proposed certain *additional* locations, and nearly agrees with the Land Commission as to the extent of each) it also is identical with the proposal which had already been fully approved by Sir H. Smith, in accordance with the recommendation of *two* commissions, both acting under competent authority.

The further delay was matter of detail; subsequent to the reference to Sir H. Smith, both Commissions had concurred in suggesting a seventh location (and this also was in conformity with public opinion, represented as has been said). The necessity of first inquiring what private interests were likely to be affected by this recommendation was, I believe, the only reason why the proclamation was not issued until the 7th of April. The result of inquiry in 1853 was that "the locations had been condemned by the settlers generally;" and it is satisfactory to find some shadow of confirmation of any of the statements of that paper.

One---self-constituted---representative of the Dutch inhabitants, published on their part, his solitary protest, thus leaving it to be inferred that the English, at least, were unanimous in their approval.

Another proof that the "condemnation" was not very "general," is, that in 1851, when Mr. J. C. Byrne was seeking a profitable investment for his land credits, which it was proposed "to honor," by departing from our promises to the natives, the *Natal Independent* newspaper, (edited by the same James Archbell), then a well-known organ of the government, complained of "an unaccountable prejudice *in favour of the locations.*" *That* prejudice was not long complained of. The time will, however, come (for it will, of course, be a work of time) when such evidence as the following, laid before the late commission, will be more dispassionately considered than then, or even now:---"I can see no objection to their (the Kafir's) being left on large locations. As to facilities for rising, or rebellion, they will do so, however situated, if they have grievances of sufficient magnitude to induce it; yet it is so rare that people do rebel who are governed by just and good laws, that *if I were assured that this people would be so governed, I would never trouble myself to enquire if they would rebel.*"

This witness had lived amongst these people (with short intervals) for *seventeen* years, and some allowance will, in due time, be made for his having seen "only one side of the picture," by those who were taught, after a stay here of *two* years, in the words of this report, that these natives partook of the alleged "true, real, and *universal* character of the Kafirs," "that bloodshed, and plunder are engagements in which their circumstances have rendered them familiar from childhood," and that *with these habits*, "cupidity was a strongly developed feature in their character." Common sense, and our own daily observation, will, at length, teach us to contrast this "official" statement with that of the Commissioner of 1843, who then reported that "every Boer in the district has borne willing testimony to the honesty, fidelity, and peaceable disposition of all these Kafirs, without an individual exception;" and with the statement of the same gentleman before the Commission, when chief judge in 1852, that "I do not believe that the history of man affords" a parallel to the security, both of life and property, which the Europeans have possessed during the last ten years." A singular state of things! if it be true, that from five thousand to six thousand of us are here surrounded by one hundred and twenty thousand of "as great savages as they could possibly have been one thousand years ago."

We should further observe that the evidence of the judge was not mere matter of opinion, but that he appealed to the records of his court ever since its establishment, for the fact that there had not been "*one* single instance of murder, or attempt to murder, on any white man within the district," and that instances of cattle-stealing were "so exceedingly rare," that "only two or three such cases" had been brought before him. Adding, "I firmly believe the inhabitants generally are far more secure in this description of property than they were in 1843," and he was fully borne out by his South African Registrar, Mr. Boshof.

Though there is no direct statement to that effect, the fair inference from these papers is, that the Kafirs are of little or no use to us, and that they are thieves, or worse, by inclination as well as by habit. Each best knows what he has observed. I have lived in various parts of the colony for the last twelve years, always having as many Kafir servants as I required, and rarely locking my doors, or having a gun in the house. Within the last month, wanting a room built, a discharged soldier brought his *four* Kafirs, made his bricks, and built it; another Englishman brought his *nine* Kafirs, collected the grass, and re-thatched the house. I hear that the sugar-planters cannot always get so much constant labour as they could employ, but, within the last few days, asking how many Kafirs one of these gentlemen had then in his employ, I was informed that he had *sixty*. [The names are at the command of any one.]

In my opinion, these papers are calculated to convey to Her Majesty's Government a totally erroneous idea of our relations with these people *in every respect*. But perhaps others can show the contrary.

Sooner or later such contrasts as these *must* excite one or other of two things, both of which will be equally effectual, namely—calm reflection here, or overwhelming ridicule elsewhere. Till then, I shall cheerfully submit to "such severe treatment" as this endeavour to make us and our neighbours better friends may be deemed to "deserve."

It is full time, however, that the reader should see the proclamation that was deemed to demand the condensed and *cumulative* weight of the three grand objections, which formed more than two-thirds of Mr. Pine's slight notice of a measure of the utmost local importance, and which demanded much deep consideration at the time:—

"Whereas, by a Government Notice, dated the 8th day of March, 1847, I did signify my approval, provisionally, until Her Majesty's pleasure was known, of the formation of four locations for natives within this district, which had been previously recommended by the commissioners for the

location of the natives, and more particularly described in the Government Notices dated 29th May and 27th August, 1846, and 4th February, 1847, namely,—

1st. Swartkop, near Pietermaritzburg.
2nd. On the Umvoti River.
3rd. On the Umlaasi River.
4th. In the Inanda.

"And whereas, the Land Commission, appointed by a proclamation issued by His Excellency, Sir G. H. Smith, while administering the government of this district, and dated 10th February, 1848, have recommended and suggested to me, by their resolution of the 10th August last, that locations should be formed in the four situations above specified, and also in two additional locations, namely,—

5th. At the junction of Umzinyati, or Buffalo River, with the Tugela.
6th. At the junction of the Mooi River with Tugela.

"And whereas the said Commissioners, and the Land Board appointed by my Proclamation of the 15th day of February last (*i. e.*, the specially revived 'Land Commission') have concurred in recommending that a native location should be formed upon the Tugela River, so as to include the natives under the chiefs Magadama and Somahashe, including also the abandoned farm of Jacobus Potgieter:

"Now, therefore, I do hereby declare my provisional approval of all the said native locations; subject, however, to such modifications, as to the precise extent and boundaries of each location, as, after further local inspection, may be determined upon, and hereafter announced.

God save the Queen!

Given under my hand, and the public seal of the district, at Pietermaritzburg, this seventh day of April, 1849.

(Signed) M. WEST.

By command of His Honor the Lieutenant Governor,

(Signed) D. MOODIE,
Secretary to Government."

The retention, in this Proclamation, of the word "provisional," is the best possible proof of its true meaning (as above stated). All these locations had been recommended as "permanent," and nothing else having been authorised, or thought of, that word would have been superfluous.

I am not aware of any circumstances connected with the formation of those locations, that warrants the supposition that they were merely "projected," and not given and received as "permanent."

The Lieutenant Governor who reported that Sir H. Smith had "virtually abolished the native locations—though "this part of the proclamation does not appear to have been carried into effect"—might, in his notice of this proclamation, have laid before Her Majesty's Government the reason *therein given why* it was not carried out. A little further plain dealing might have led him to advert to Sir H. Smith's entire concurrence in this Proclamation, and to add "these are the locations referred to by Sir H. Smith in his published despatch of 5th December, 1850, in which. on the information furnished in *my* published despatch of the 1st November of the same year, His Excellency congratulated Earl Grey on the intelligence *so* received, that "his measure would not interfere with the locations"—though I must add that my words were, "not *materially* interfere," with other material qualifications."

All who were in Natal in February, 1849, must remember the discussions on the subject of the native locations, which were then excited by the measures taken by the Government to ascertain the public opinion; and also that, when that opinion had been affirmed by Proclamation, it was the general feeling, *especially amongst the natives*, that—as a broken limb knits most firmly at the point of fracture—their land rights had been best secured by the very measure which, for a time seemed to have abolished them.

The last clause of the Proclamation was intended to provide against future encroachments upon the locations, pending admeasurement, and the investment of the lands in the hands of duly instructed trustees (a measure, by the way, "*of course*" objected to by Mr. Pine), for, about two months before the issue of this Proclamation, and thus while the right of the natives to these lands was apparently in abeyance, Mr. West had himself made one encroachment on the location at the Umlass, near Durban—as I thought, improperly.

The circumstances were however peculiar; a gentleman, deputed from Manchester to try the culture of cotton (then justly deemed an object of national, as well as of colonial importance) thought the land suitable, and was in treaty with the registered party, R. King, whose claims also were peculiarly strong.

He had, in 1842, been the means of saving a large detachment of British troops from great disaster, by personally conveying through Kafirland to Graham's Town, intelligence that they were closely besieged by a superior force of Boers (then resisting the British occupation) barely in time to procure relief.

It was not, however, *to reward* a signal national service (towards which a petty donation of some £15 had already been paid from the military chest!) that this claim was admitted, but that Mr. West was then, in compliance with distasteful orders, daily granting similar extents of land, to persons who had slighted his own authority, as well as that of Her Majesty, amongst them to some of the besiegers.

A stronger claim on his high sense of loyalty could not be advanced; but, as fidelity to our engagements was then felt to be one of the most sacred of our duties, I shall only add, that what I always thought the fatal *first* step, would have been secure of the approval of his successor, who censured him "for attempting to show that the grants to some farms interfered with native rights."

He was now justly blamed by Sir J. Packington, for *having allowed* one grant to interfere with native rights; and had "*shown*," that, in one instance, a military deserter had no sooner obtained a pardon, than he "registered," as his own, the very kraals where he had long found concealment—(I could, in the Survey Office, point out many instances in which strict justice to the natives yielded to the necessity of retaining a white population; thus materially strengthening the rights of the natives to the lands "appropriated to their use" in exchange.)

If duly enforced by his successors, the last clause of that Proclamation *has rendered* all subsequent grants of land, in native locations null and void, unless preceded by due "inspection and announcement."

It was justly represented by Mr. Pine (1st Nov., 1850,) before the value of that land for tropical products was known, that the land in that quarter was more suitable to the whites. The same thing was felt in 1846; but it was also felt, not only that the faith of the former Dutch authorities had been pledged to the extent of 12,000 acres for the natives, but also that good land would be useful, as one of the means of raising the natives in the social scale, and that it was doubtful whether the claims advanced by the whites would leave enough land *fit for subdivision* amongst the natives; and finally, that should it become necessary to resume the land for other purposes, it might always be had, *just as we would have got it from one another*--that is, keeping the principle of justice intact--and these views had the concurrence of Mr. Pine, not only in Nov. 1850, but until twelve months later, when it had become necessary that he should seek pleas for *having departed from them.*

Mr. Shepstone alluded to this grant which Mr. West had made--partly to promote the public interests, and partly to gratify a meritorious individual, when (3rd September, 1851) he told the Council that, in his opinion, the proposed sale of 20,000 acres of that location to J. C. Byrne, would not only be a breach of faith, but that the "natives thence removed had probably placed themselves on the land now proposed to be sold."

A few weeks later, the exiled tribe of Umnini re-

tired into the same location, and *two years* after that proceeding had elicited from Sir J. Packington a very strongly expressed order, that "the compensation should *be ample and generous, exceeding largely, both in extent and value, the portion of the Bluff of which they had thus been deprived*---(22nd July, 1852). Commissioner Owen's assurance (6th March, 1854) that that "*they were perfectly satisfied with the land allotted to them on the Umgagaba River*," was saddled with--*Provided* their right to it be established."

A provision fully explained when Mr. Pine, soon after transmitted to the office from which the order was issued, the report of this "Kafir Commission," with a single letter attached to it as an "Appendix," which letter, from the local Magistrate (Fynn), ended with these words (well worth all the rest of the report!) :---

"*Umnini and his people state that * * with the country they at present occupy on the Umgagaba River, they are well satisfied, if it were not that other occupants, namely the Tolani, consider it to be their own country, owing to their previous occupation.*"

A prefixed note, signed "Walter Macfarlane, President," states, that this letter had been "inadvertently omitted" in the evidence."

Whether its promotion to its present conspicuous position was "inadvertent" or otherwise, there can be no doubt that that gentleman has conferred a great service on these natives by placing, in the very tail of his "report" this truly "suicidal" sting.

If we do not learn from this to keep our promises, it will not be the fault of "Walter Macfarlane, President," who has so well shown us the sad consequences of breaking them!

Mr. Pine, on the other hand, by thus demonstrating to the Secretary of State that "the robbery of Peter to pay Paul" was still incomplete, and by subsequently leaving the colony without taking any further step towards the fulfilment of his promise of November, 1851—(for I find, upon inquiry in the office of the Surveyor General, that the necessary order for the grant was first issued by Colonel Cooper in August, 1856)—has, while showing how he fulfilled *his own* promises, furnished an instructive commentary upon such of his proceedings as had reference to those of his predecessors!

Enough, however, for the present of the circumstances which gave its first misdirection to popular opinion here.

It may be seen, from the printed papers, that the proposal to tax the natives was always considered, both here and in England, to be a measure that must be *preceded* by the appropriation of certain lands to their use.

Mr. West conceived that this first step to had been fully attained by the proclamation issued after such unusual precautions, for, under the ample authority of Lord Stanley's despatch of July, 1844, he had, in 1840-7, compelled a large portion of the natives to place themselves in four permanent locations.

Being ordered, in 1848, to carry out the recommendation of a board appointed by higher authority, this board had *again* recommended *the same* four locations as permanent, and three others (though with some modifications as to extent.) He had next taken the precaution to have the express previous approval of that higher authority, before declaring his approval of those recommendations.

Not satisfied with this, he did not issue his proclamation until nearly two months after he had published in the *Government Gazette* full proof of the general approval of the colonists.

All these facts are patent, either in the papers laid before Parliament, or in the local *Gazette*, and though the two writers of these "papers" were ignorant enough, or unscrupulous enough, to ignore or altogether to misrepresent them, in the "narratives" they submitted for the guidance of her Majesty's Government—it would be worse than vain to deny them—and accordingly I do not perceive, amongst the strictures elicited by the slow periodical publication of statements substantially the same as those I publicly read on the 21st May last, that one of my facts has been questioned.

It may, therefore, be the more readily understood, from the facts thus *established*, that when Mr. West, immediately after issuing his proclamation, was compelled to seek change of air for the benefit of his failing health, he could not be brought to conceive hat the minds of the natives were sufficiently prepared for the imposition of the tax. (It was owing to the same cause that no dispatch was written on the subject.) The proclamation was, in fact, almost his last public act—indeed the only other of importance—was when, on his return, his attention was forcibly arrested by the circumstances which induced him to promulgate a Royal Instruction relating to the native laws, which had been long kept back, and to enforce it by Ordinance.

To commence the experiment of taxing a people who then outnumbered the whites in the proportion of at least fifty to one, just after they had been told that all the lands "that had been given them" were to be taken from them—and before they knew where the "good gardens" promised in lieu were to be found, was, of course, out of the question; and even when the attempt was made, it was not without reason that it was deemed "perilous" by Mr. Pine; for, in the event of general refusal, any attempt to enforce payment would have only tended to prove to the natives that the government possessed no means of actual coercion.

These considerations, together with the shaken state of Mr. West's nerves from ill-health, led him to regard the measure as still somewhat premature, and at length to decline to entertain it.

Others, more confident in the real efficacy of the just principles which (though temporarily interrupted) had guided his administration, held the opposite opinion; and the most competent judge of the effects of those principles on the native mind—namely, Mr. Shepstone—fully concurring in that opinion, circumstances enabled an "Executive Government," appointed by Mr. West, to give effect to their own views, though quite opposed to his.

Desirous of entire release from all responsibility, and having entire confidence in his subordinates, Mr. West had (31st May), instead of the usual course of allowing the Government to be conducted in his name (in which case his personal views would have ruled all public measures), insisted, (contrary to the opinions of all his official advisers myself included), on issuing a proclamation (subsequently disapproved), directing "the Secretary to Government to submit to the Executive Council, for their decision, all such matters and things (signing warrants excepted) as it would be the duty of that officer to submit to me, were I capable," &c.,—or, in other words, investing a subordinate member of the Government, with the uncontrolled initiative.

When the question of taxing the natives had been duly brought under consideration, it appeared, by the resolution of the Council (June 21), that every member of the administration (the absent Governor excepted) concurred with Mr. Shepstone in thinking that the time for imposing the tax had arrived.

A Government Notice (12 July, Ord. ii., 292) accordingly authorised that officer to levy a rate of 7s. upon every native hut—and announced the previously approved penalty, of "expulsion from the territory of the offending tribe or individual," against all defaulters.

In the result of this experiment many (both here and elsewhere) must feel a lively interest, for the problem to be solved was, whether a vast numerical majority of uncivilized men were, or were not, to be operated upon by the principles of common justice and common sense.

They were plainly told, in the words of Earl Grey, that "the native tribes enjoying British protection were to contribute directly to the expense of that protection," with the alternative of forcible expulsion.

Whatever may have been the "true and universal

character" of these Kafirs, no sooner was Mr. Shepstone armed with the confirmatory proclamation—and with the requisite authority to demand payment—than, proceeding with only one white attendant, to all the seven recently confirmed locations in succession, he finally accounted to me, as Treasurer, for the sum of £8831 4s., being nearly *three* times the estimated amount! showing that, at the usual calculation of three inmates to each of the 25,232 huts taxed, about 75,000 of these people had readily paid the amount demanded.

Having compiled all the records of the Cape Colony, since 1652, I can testify that the event is quite unprecedented in South African history. It is equally certain that the same history offers no precedent of securing land rights to the native races, at least on so large a scale.

The same memorials from the British emigrants who arrived during the first collection of the hut tax, which expressed their "strongest confidence that your Honor will not be a party to any violation of, or departure from, the clear and repeated pledges of the former administration" (papers which, if I rightly remember, were both written and signed by "my vigorous coadjutor, J. R.!") testified that the payment of that tax was "*regarded by the natives* as a sort of quit-rent."

Unless, therefore, these gentlemen are prepared to show grounds for dissenting from the doctrine of Paley, that promises must be kept "in the sense in which the promiser believed that the promisee accepted his promise," no choice is left them but to subscribe to the sound doctrine of my said coadjutor, and to say, "Both on the higher ground of national honor, and the lower one of national safety, the public faith must be kept, at any sacrifice!"

A few hours before his death, Mr. West had the satisfaction of hearing that his apprehensions were groundless, when Mr. Shepstone reported (30th July), that "the announcement of the tax had been very favorably received by the chiefs and people."

His final report said that he "had been gratified to find a right appreciation of the tax, and of their obligations to Government, almost universal, and that the only source of uneasiness they exhibited, was a fear lest an adequate appropriation of land might not be afforded to them."

Time will show the entire justice of this fear—seeing that it is admitted on all hands, that by far the greater portion of the locations is incapable of culture of any kind, and consequently of advantageous subdivision. But, if these reports are to be believed, the locations are either too good, or too bad, for the natives. If fit for culture, they should be "thrown open to European enterprise." If rugged and useless, their occupation by natives is "fraught with extreme danger to the colony."

This account of the events which followed Mr. West's virtual resignation of the Government in May, 1849, does not rest on my authority alone.

Mr. Pine's "narrative" of 29th May, 1854,—"imperfect," as has been shown, in all that bore on the rights of the natives—states that "Mr. West became so ill that he was compelled to leave the Government of the district to the Executive Council—during this period the imposition of the native tax * * was resolved on.

"During the short administration of Col. Boys (1st August, 1849, to 19th April, 1850,) the collection of the hut-tax was commenced by Mr. Shepstone with very great success, and the improvement of the public roads was commenced. * *

"I think the Government, and especially Mr. Shepstone, entitled to very great praise for this excellent measure, and I gratefully acknowledge it, as having placed at my disposal the means of," &c.

It is as novel as gratifying, to be able to show, from something more reliable than any words, that in *this* instance, Mr. Pine's narrative was borne out by the facts.

It may be seen from the audited public accounts (Parl. Papers, p. 88), that, with an annual revenue previously ranging from £6000 to £10,000—the natives whom it has been proposed to expel from their lands, were no sooner secured in their possessions, than their payments into my hands as treasurer, raised the balance in hand from £1980 in June, 1849, to £4930 in April, 1850—enabling us at the same time to expend large sums in payment of native labour upon the roads, besides paying off £2000 of the debt previously contracted.

During an equal period *before* the imposition of this tax, £5200 had been borrowed—while from that moment all future loans were dispensed with. Nor was this the most important result of the Proclamation. Indeed, nothing can more clearly prove both the patient and confiding character of these people, and the lasting *stock* of attachment to British authority carefully laid in during Mr. West's administration, than that this tax has continued to be levied, and that without the direct agency of Mr. Shepstone, notwithstanding all that has been subsequently done to destroy that confidence, and to shake that attachment.

That gentleman informed this "Commission," in his evidence of 1853, that "the natives *know* that they are tolerated only so long as the whites do not feel strong enough to do otherwise;" that "their recognition of the parental attribute in their ruler, when lands were appropriated to their use," had been succeeded by "distrust of the Government, since the uncertainty of their land appropriations had become manifest."

(To say nothing here of the beautiful deduction of the "report"—"as the Kafirs are aware that the Government are not in a condition to compel them, it would be necessary for the Home Government to grant assistance")

Yet notwithstanding the notoriety of this distrust, and many irritating suggestions, openly thrown out, and well known to the natives, arising solely from an universal belief that no valid pledges have been given to the natives—the hut tax has always been, and *still* is, quietly paid on demand. The submissive disposition that has survived through years of apprehension, sufficient to induce various natives to seek secure land tenure by purchase, has also withstood severe and sudden shocks.

Natal was nearly surrounded by war in October, 1851, when the surveyor's chain was dragged through the standing crops of Umnini's tribe, with a view to the sale announced in the *Government Gazette* of the 15th of that month, *the same day* on which it was represented, through a public meeting and memorial, that "the state of the Kafirs and their locations, being fraught with extreme danger," it was suggested that "some of the locations should be broken up, and others greatly reduced," but that "*in the present state of affairs in the Sovereignty and on the frontier, and without any efficient force on the spot, it is not expedient to press any measure that might require the exercise of such means to carry them out.*"

The aboriginal claim of this tribe was "by far the strongest in the district," numbering in all six hundred souls—of whom a portion had already removed—and the residue having from forty to sixty acres of land in cultivation, close to the port, and where a knowledge of their rights were likely to be first acquired, and feelings of independence first generated.

Whether it was that the parties concerned in that sad proceeding were well aware that the natives were not quite so "excitable" as was represented, or that they knew that the measure which affected Umnini's land might be carried out "without the exercise *of such means,*" the fact is, that the surrounding war—and this caution of the public meeting notwithstanding—and notwithstanding the remonstrance of Mr. Shepstone—and those delivered on the 31st October (on my accepting leave of absence, which, as I only now find, by the printed papers, cost me the fruits of many years of hard service), the land was publicly sold on the 11th of November.

Three months later, another local magistrate (R. Thomson) represented to Mr. Pine that "the admission of Umnini's claim would be fraught with extreme danger to the district," and would put an end to the collection of taxes, and he (27th February) forwarded that representation to Downing Street; but the fact is, that the ejected tribe—as well as the tribe on whom they have been thrust—

have continued to pay their taxes with a patient endurance of wrong which our own countrymen would be the last to exhibit.

I shall cite no further proof of the efficacy of the principles of justice over the minds of such people, or say any thing more to prove that had the outcry of "extreme danger" been any thing but a pretence, *that juncture would not have been chosen for the sale!*

If these facts are true, "the report of the Kafir Commission" will soon find its true level in general estimation, and will signally fail to secure *the kind* of attention solicited by its writer on the 10th of April. The dangers, on the other hand, that have suggested themselves to some ardent imaginations reasoning on erroneous data, will gradually yield to the reflections excited by more correct information, operating upon a sense of our individual interests in the preservation of tranquillity.

It is agreed on all hands that it is not desirable that any one class of colonists should have occasion to defend their rights *collectively* against any other class of colonists. This consideration will point, far better than any demonstration, to the expediency of dividing those lands, as far as practicable, into transferable freeholds, to be issued to natives from time to time, as they learn to appreciate their value.

This was the point always looked forward to by Mr. West's Government, after many years' consideration of the subject in the adjoining colony, where every circumstance was far less propitious than here. Due examination of the subject will show that this is the only safe and sure mode of producing an ultimate amalgamation of interests and feelings, and, meanwhile, of gradually detaching these people from all that may be deemed dangerous to other classes, whether in the assertion of their own rights, in the influence of their customs, or in the power of their chiefs.

However, opinion is free, and others may prefer the policy of those who say that "as the Kafirs are aware that the Government are not in a condition to compel them, it would be necessary for the Home Government to grant assistance."

All that remains for such persons is to proceed to demonstrate, *to the satisfaction of the Home Government*, that it is both necessary and just that assistance should be granted *for such purposes;* for, on their own showing, they are powerless without it.

I have now placed before the public, on evidence altogether undeniable,—that of the *Government Gazette* and the papers laid before Parliament—a full statement of the land transactions between the first Government of Natal and the natives, and also the ascertained and well attested results of the much maligned policy of a governor who endeavoured to carry out his instructions honestly and justly.

Well aware that a few have pinned their faith to very opposite opinions, I have shown that their own oracle, Mr. Pine, was right in confessing that his own narrative was "imperfect, *especially* as to the government of his predecessors;" and also right in his account of the pecuniary results of the policy which, in all other respects, he misrepresented;—of which results, indeed, he was best able to judge, as these were not fully developed until some months after the death of Mr. West, on the 1st August, 1849, leaving behind him (as I had soon after too good occasion very vainly to prove) "NONE to whom the honour of Her Majesty's government might more safely be entrusted."

POSTSCRIPT.

I annex, as proposed, for information here and elsewhere, "a condensed view of what has been advanced, in contravention of these facts, by *open* opponents;" for it is sufficiently known that I do not notice anonymous strictures, or mere personalities.

Amid much strong language, indicative of *the will* (and perhaps too much *reflected* in the new matter added during publication), I do not perceive that *any material fact* has been questioned, and (*two* writers excepted, neither of whom were, I believe, in the colony during my period—1st January, 1846 to 1st August, 1849—and both of whom had been deeply committed to the doctrines denounced by me—as I think, and may have occasion to prove, through *misdirection*), I have had no *open* opponents.

These two exceptions are—first, Mr. Macfarlane, the gentleman who, during the last three days of the existence of the Kafir Commission (after the retirement of the last of the three official members) became president of that body (a position well earned by his assiduity, for he was the only one of the twenty-four who attended every meeting); and, second, (alas for "my vigorous coadjutor G. R.!") Mr. George Robinson, editor of the *Natal Mercury* newspaper.

It was quaintly said, in the *Legend of Montrose*, that the philanthropy of the Boers had not been excited by "intromission" with their wives and daughters; and no less quaintly, in what may now be called the *Legend of Macfarlane*, that "the quality of Kafir labour is not very good" (hence the supposed necessity of improving it by "industrial training.") "A selfish regard" (no longer to "the aggrandisement of a landed interest in the Crown") but to our own characters (and *throats*), having moved me, so far, to "intromit," with the last-mentioned legend, as to prove that *its* "quality is not very good," this does not seem to have excited the "philanthropy" of the President!

He does not try to show that the quality of the (alleged) "labours of the Kafir Commission" is one whit better than that of "Kafir labour;" indeed, beyond an allusion to "misquotations," &c. (of which more anon), and the application to "Messrs. Shepstone and Moodie" of the words (highly honourable to *the latter*) "*par nobile fratrum*," I do not perceive that Mr. Macfarlane's two letters (of the 1st and 19th July) contain any reference to the subject of my lecture, still less anything in contravention of my facts.

The question is not met, otherwise than by the *counter-charge* that I have had "*the unblushing impudence thus to charge straightforward public* MEN *with the baseness of* PALMING *a forgery upon the public*," &c., although it has not, and cannot, be shown that I have (otherwise than by producing the president's own facts) imputed anything to any *man*, still less to any *men;* nor that I have, thus or otherwise, characterized any man or men, or any act or acts, the whole affair being, in every sense, *singular*, and suggestive of a Latin illustration quite as apt as the other—

Palmam, qui meruit, ferat.

It may be owing to the exigencies of an analogous case, but, oddly enough, the president has taken precisely the same course pursued, some twenty years ago, by the writer of another "admirable report," also about aborigines, when it was my duty to urge the restoration of certain "official authorities."

Some feeble, and ultimately vain endeavours, were then also made to deny the "soft impeachment" of individual responsibility; and it may be safely, though generally stated, that though probably unconscious of what are here called "*Philippine*" tendencies, the late president of the Kafir Commission has displayed equal skill as a dialectician, with no better success.

The paper transmitted as a report, proves to have not been duly authenticated; and though dated 25th October, 1853, it was not until the 12th March following that Mr. Pine reported that it "had been sent in, after considerable delay, but that as the printing is not yet completed, I am unable to send you a copy by this mail. I have, however, procured one copy (of course, partly in manuscript), which I have given to Mr. Owen."

The following extract from the reply, which I deemed it proper to give, in July last, to Mr. Macfarlane's last letter (19th July), will be the fairest mode of informing the distant reader of the present position of *this* part of the case:—

(Extract.)—"The mode in which Mr. M. 'puts the public in possession of the facts of the case' is to leave them untouched.

"*The* case was emphatically marked by me, in the letter under reply, and confined to these two simple positions—

1st. *The writer of the report was* (as shown by a strong instance) *not duly conversant with his subject.*

2nd. *The Commission closed, without signing a report, or authorising any one to do so on their behalf.*

"These positions are consequently *admitted.*

"It is natural that Mr. M should try to persuade others that they had 'adopted' his report, and thus have no choice but to adopt his *quarrel* also, but he forgets that, until he has shown his authority (dated 26th October, 1853) for "signing the report on behalf of" others, it has not been adopted, even by the Kafir Commission, and that, *till then*, it is a mere political pamphlet, written by Mr. Macfarlane, by the light of such scraps of information as it suited the purposes of Mr. Pine to impart to him.

"This, which I have long believed to be the truth, is Mr. M.'s best excuse, and is daily becoming clearer from the explanations of an "Administrative Reformer."

Here Mr. Macfarlane has permitted the matter to rest—(the "Reformer" apparently following his good example.) This may, however, be owing to the doubt expressed in the last letter of the former, "whether any gentleman can continue to notice *Mr. Moodie* (!) or any thing that can fall from him !"

Mr. Macfarlane's general charge of "misquotations, suppressions, and perversions of fact," is much more to the present purpose, and would be serious, *if substantiated;* but, as he has brought nothing of the kind to my notice, I can only say, that I have perceived one, and only one, error in the lecture, and must explain why I do not deem that error material. Indeed, it would seem that scrutiny will only serve to place the truth in a clearer light.

Lord Stanley's words, in the despatch of 13th July, 1844, were "*distinct,*" not "permanent locations."

In carrying out the measure of locating the natives, the instructions were so framed *by me* (before they were "fully approved by the Executive Council") as *purposely* to pledge the Government to the permanency of the locations, because an assurance of permanency was the only inducement we could offer in return for the cheerful compliance of the natives with our arrangements, or in compensation for the very inferior quality of the locations as compared with the "occupations," and "selections," pledged to them by Sir George Napier in 1843, when they had been told that "the Government would neither disturb them, nor suffer them to be disturbed." *Purposely* because there were no other means of "compelling them to respect the rights of others" than by imparting to them also "rights" which were to be maintained by the same laws—(objects, apparently, not fully appreciated by the writers of the papers recently recommended); and also, because *this* was the lever by means of which it was proposed gradually to raise them in the social scale.

Far from having erred, on the side alleged by Mr. Pine, "by attempting to show that the grants to some farms interfered with native rights," Mr. West unavoidably sanctioned much injustice to native rights (though for their ultimate benefit in retaining some white population)—a policy fully sanctioned by Sir P. Maitland's opinion of 12th June, 1846 (P. P., p. 84)

Had the promises given by Sir G. Napier been insisted on, many of the best farms would either have remained in the exclusive occupation of natives, or been so clogged with troublesome "servitudes" in their favour, that still fewer Boers would have remained in the colony; consequently, none of the white inhabitants have, *morally*, a better right to their lands, than have the removed natives to those given them in exchange, called by Sir P. Maitland "grants in compensation;" that is, for far better lands given up for our accommodation, or in compliance with our orders.

Lord Stanley's instructions were carried out just as if he had said (what he doubtless meant) namely, "permanent locations," and, as permanent, the locations were accordingly, *to my positive knowledge*, both given and received. This was, indeed, abundantly demonstrated before Mr. Pine's Commission by many unimpeachable witnesses, especially Messrs. *Shepstone* and *Howell*, who had placed the natives on their locations; by Mr *Peppercorne*, who had lived amongst them as magistrate; and by the Wesleyan, Berlin, or American Missionaries, *Davis, Dohne, Aldin Grout*, and *Lewis Grout*; all of whom spoke positively, and many of them very strongly, on this point; so much so, that the fact was not denied *either in the report or dispatches*—it was simply *avoided;* and the solitary *opinion* of one witness, who had not lived amongst them, was followed.

It is not surprizing that the president merely leaves it to be *inferred* that the report was "in accordance with the evidence." I firmly believe that neither he, nor any man in Natal, would openly reject the positive testimony of these seven gentlemen, supported by *all* the documentary proof, and adopt, in preference, the mere political *opinion* of the Rev. J. Archbell, destitute of any such support; and I do not find in the evidence any other warrant for the course taken in the report; but I speak under correction of "the president,"—the jugde of the credibility of the evidence—or even of my only remaining known opponent—G. R., to whom I now turn.

On referring to the fourth page, the reader will observe that I noticed with approval the generous sentiments expressed by this gentleman as to "the higher and the lower ground" on which the public faith should be kept." There can be no doubt as to the immediate matter then at issue, for the whole Government Notice—the *ipsissima verba*—stood in immediate context with the words—"even a madman cannot vault over that stern and impassable barrier."

Mr. Pine's predecessors had promised that the holders of grants, conditioned on occupation, should be permitted to sell to other occupants subscribing to the same condition.

Ten men had sold, and a few more (out of some two hundred grantees) were probably prevented from selling by G. R.'s "friend" having lightly cleared *that* barrier. The curious reader may, therefore, like to see what our public instructors say to the attempts still made, *inter alia* by G. R., to "vault over barriers" affecting the immediate interests of immense numbers of men of *another* class, and in a much more serious degree.

I have stated the grounds on which, as it appeared to me, the same reasoning applied to the native locations *à fortiori*. But hear, in 1858, the G. R. of 1850; and I fairly warn my Natal friends that if they *will* permit themselves to be influenced by such reasoning, such morality, as the following, they must not be surprised at their countrymen elsewhere one day telling them, that neither the "ferocious bigotry of Spain, nor the brutal tyranny of Holland," have proved more "degrading and destructive to the aborigines" than the insatiable cupidity of England." The truth, however, is, that like "the president,'

G. R. was misled by influences, which, *from want of due information*, he was unable to resist.

"We are bound," says G. R., "to acknowledge the lecturer's complimentary quotation from articles written by us eight years ago. While we hold fast by the principles enunciated in those quotations, a longer and more intimate acquaintance with our social history and circumstances has considerably modified our views with respect to the best mode of applying that principle. * * He has not clearly apprehended, or has inadvertently misrepresented the bearing of remarks made when judgment on colonial matters was necessarily immature. Substantial faith—faith in the highest sense—as regards their own welfare, would be best kept by breaking up the locations, and permeating them with streams of British emigration. In this view His Excellency Sir George Grey concurs with the general opinions of the colonists."

I must proceed fairly with my late coadjutor; he has not, like others, been discourteous; he may yet be recalled to his original colours. Still I must follow out his own reasoning, and let him and his readers see clearly where it will conduct them.

I had cited (*supra* p. 9) this writer's account of Sir G. Grey's alleged views when on the spot (Nov., 1855), when our population had been reported at five to six thousand whites, and one hundred and twenty thousand Kafirs. "His Excellency," said G. R., "is in favour of a very stringent administration, with a view to evoke the dormant labour of the natives, and, as a necessary means to so desirable an end, he approves of breaking up the existing native locations;" followed, a few days later, by another intimation, that his Excellency thought "it might be attended with danger" to do this "at once;" but that "the unoccupied lands" (presumably those *within* locations, for the others were nearly all granted), "should be first granted to emigrants and colonists, and effective means taken gradually to break up the location system."

It by no means follows that such *were* Sir George Grey's views, but they may have been. Earl Grey, in his despatch of February, 1852, was led to entertain very mistaken views, founded on the erroneous data laid before him in that under reply—the "defence" of 1st November, 1851—Governor Grey's views, in like manner, may have been influenced by that and the other erroneous data furnished by Mr. Pine in 1854, whether in his own dispatches, or through others who owed all their Natal information to him—men "more sinned against than sinning." That "defence," written between the surreptitious seizure and the sale of Umuini's land, for the express purpose of concealing both, has just been called "brilliant" (not transparent) in G. R.'s paper. Even his correspondent, who fancies he knows "all how and about it," has not yet perceived that that defence was a mere *ignis fatuus*. It palpably misled on the spot, and may have misled at a distance. I had given fair warning that "the true character of that transaction is *still* unknown, either here or in Downing Street."

Sir George Grey had, indeed, before him, in those papers and the public prints, ample data even for the dark picture he is said to have recently drawn of our prospects. The correctness of those data—denied by me—is the question now at issue.

There are two main points on which we all agree. 1st. Were the locations thrown open to such "permeation," or to "European enterprise," to-morrow: three-fourths of them, or more, would *never* be occupied by whites, who probably do not now occupy one-fourth of their own lands, "large portions of which," says the report, are "unoccupied and in the market;" while it was only, "*as far as practicable*," that it was proposed that the "rugged situations occupied by Kafirs should be "disposed of to the whites," "in larger blocks than six thousand acres to each farm" (says the witness Macfarlane), ("permeation by streams," &c., says G R.) None can *now* pretend that throwing open, far better crown lands, to similar "permeation," which has deprived us of the means of offering land to emigrants, has *materially* increased the white population, or *proportionably* increased occupation. G. R. knows enough of "our social history and circumstances" to be well aware that such smooth words as "industrial training," "European enterprise," and "streams of emigration," which "permeate" his pages, are merely what Mr. Pine called "bosch."

2nd. The locations cannot be broken up without "danger." The disproportion of the population (at least twenty to one) speaks for itself. *Without* "the unoccupied lands are first granted," said G. R. in 1855,"—"*without* an effective force on the spot," said the *ignis fatuus* memorial of October, 1851—"*without* a more equal balance of black and white power," said Owen in 1854—without "the home Government grant assistance (said the report of 1853), *the locations cannot be broken up without danger*," for the all-sufficient reason, that the hundred and twenty thousand are *aware* that the six thousand are "not in a position to compel them."

And here nothing has been said of the *rights* of the majority, or of the manner in which the "balance" would be effected were right and justice thrown into the scale—should the *evidence* of the *same* witnesses above-named chance to be true, and the *opinion* of the *one* chance to be mistaken—granted that the natives are, as pretended, mere unauthorised "squatters," a right to the cattle, and to the corn, on which they subsist, will, perhaps, be conceded to them.

Let us proceed to eject or "remove" them exactly as proposed in 1854. The report and the evidence are before G. R. Should I fail to state the proposal fairly, he may correct me.

First and foremost, "it would be necessary for the home Government to grant assistance"—"cavalry is the arm." Here we must suppose that the home Government *concur* in our supposed opinion, that, in order to "evoke the dormant labour" of such large masses, a force of cavalry sufficient to produce "a more equal balance of power"—sufficient to make the natives "aware" that we *are* "in a position to compel them," has (consistently with such minor calls as the war in India, or—when the proposal was made—that in the Crimea) been granted, and is "on the spot," G. R. may fix the number at will (always remembering that prudence would make it sufficient to provide against such contingencies as the natives, not remembering, like ourselves, to *forget our promises.)* Grant that two hundred cavalry would adjust the balance, and that they are on the spot, the home Government having failed to perceive that (beyond screening the proceedings of Mr. Pine) the exigencies of the case cannot have been *very* pressing, if the "balance *could be so easily adjusted* if 120,000 people, who "are aware" would care for 200.

There remains another point, also an "indispensable preliminary" of the legend—namely, to *find* land for new locations. Whether this was to be found *before* the arrival of the "cavalry" does not appear. It had not been found when they were asked for. Here, again, G. R. may open Watts's map of Natal, and point out where *one* of the eight proposed locations is to be found, elsewhere than in the smooth words of the report.

But, with the "welfare" of a people in view, we must not shrink at preliminary difficulties—let us "vault over" them, and suppose that eight locations, of 25,000 acres each, *in the situations*, and with *the capabilities* demanded by theory, have been found; and further, that the bulk of the 64,000 Kafirs thus to be provided for have been removed into them in the manner proposed (the residue having been induced "by those in whom they *have confidence*," "placing before them" the proposal that they should quit the territory, "*in the shape* of a proposal intended for *their* benefit!") does G. R. expect his readers to believe that nothing *else* than "dormant *labour*" would be "evoked" by "the Zwartkop, Inanda, and all other large and rugged locations" being (after they had been "so done away with") "periodically patrolled by the Magistrate's police forces (when they get them.) "The cattle of all Kafirs again found squatting thereon (where our power and their 'confidence' had 'squatted' them), should be confiscated, their huts burned

down, and the Kafirs themselves removed to the new locations?"

This, the *actual* proposal of 1853, would, *as I think*, add "unmitigated and perpetual hostility to barbarism." However, opinion is free!

With my facts before him—facts altogether independent of those noticed by his half-informed correspondent—and with the evidence of the seven gentlemen named, also before him, G. R. says further (22nd July)—"The great object of the lecturer appears to be to establish the proposition that the public faith is pledged to the undiminished permanence of the present locations. Independently of the injustice [in what respect?] to the European population of such a policy, the evils it would inflict on the natives themselves, by binding them firmly in the fetters of unmitigated and perpetual barbarism, and the peril it [or his plan?] would entail on the peace of the whole colony, it appears, from our correspondent's letters, supported by abundant evidence, that in no such sense as Mr. Moodie alleges, is the public faith pledged to the mischievous system he advocates. Neither the home Government, nor Her Majesty's representatives in this colony, ever committed themselves to the present system. The former, on the contrary, laid down principles in direct opposition to those adopted, and now sought to be perpetuated."

"The first letter of 'Administrative Reformer' proves that the acts of the home Government, and the present letter, clearly shows that those of the late Lieutenant Governor (West) left it equally open. Fortunately alike for the interests of the colony, and of the Kafirs, the proofs are triumphantly clear and distinct on these points."

"The proofs" advanced by the half-informed and not very scrupulous "correspondent," being those I have fully disposed of by anticipation—namely, the occasional employment of the word "provisional" (which, at the utmost, could only reserve to the Secretary of State the decision of the question—whether it be possible and expedient to disturb preponderating masses located *under such instructions*, in locations called "permanent"), and the principles *as to localities* "suggested" by Earl Grey (30th November, 1849)—of which Mr. Pine brought the duplicate—and which his dispatch of 1st November, 1850, shows that *he* found inapplicable to the circumstances—even had they not come several years *too late!*

It would be manifestly useless to repeat demonstrations, in the hope of convincing those who either cannot or will not understand the principles of Earl Grey.

I said that "all my main positions could be materially fortified" by further reference, and shall prove this by adding some material facts, unnoticed in the lecture, referring for proof to pp. 95, 132, and 168 of the *Blue Book* for 1848.

The Local Government were acting upon the admirable principles *always* indicated by that statesman—in giving security and confidence to "the several races" amongst whom (4th December, 1846) his Lordship apprehended "those disputes about land, so frequent in pastoral countries, especially in South Africa," when (December, 1847), he saw cause to approve of Mr. West's proposal—founded upon that of his Location Commissioners and of Mr. Shepstone—that many natives along the coast, and especially a chief with "about three thousand followers" (then occupying our sugar land about *Umslanga*,) who had "positively refused" to go where he was ordered, should be forcibly placed *within* one or other of the native locations, at a time when (page 132), "*one-third*" of the native population of a single location was deemed to be equal in number to the white poplution "congregated in or near our two towns when combined."

Had either Mr. West or Earl Grey contemplated the possibility of a second removal *from* the same locations, when (to say nothing of prolonged occupancy, or the rights derived from our promises) the power of the natives had been greatly increased by condensation, and by *such* condensation, something would surely be found in the correspondence about *a warning* to the natives that their present locations were not intended to be what they were called, in 1848 as in 1846—namely, "permanent locations."

I believe that nothing so *insane* was then contemplated, and had the paper transmitted as a "report" been really, as pretended, "framed in accordance with the evidence," this conclusion (destructive of the foregone *acts*, *intentions*, and *proposals* of Mr. Pine) must have appeared there; for, if the evidence of the seven gentlemen I have named is to be believed (and I do not perceive that it is contradicted in the evidence, in the report, or in the despatches), *no such warning was given*, but, on the contrary—as might have been expected from the instructions, the natives were invariably told that these were lands "appropriated to their use," unaccompanied by any kind of intimation that they might be removed, and that they were thus led to believe, in one instance told, that they would *not* be removed. If so, these gentlemen were right in their conclusion that, *without a breach of faith*, they cannot be removed, whatever may have been the *other* intentions or acts of *any one*.

I shall, however, set this point at rest by sending G. R., for the information of his readers, sufficient extracts from the evidence referred to.

I do not contest the prescriptive right of the writers of such "legends" to judge of the credibility of the evidence—a point long since ruled *in re* Buxton (and *in re* Yatton also!)

But I shall thus enable others to judge, whether a paper in which *such* evidence is ignored, expresses *their* sentiments; and further, whether, as has been alleged, such a paper has been, or should be, "adopted and endorsed by a matured and solemn act" of *their* representatives

The proposed mode of removal having been shown, it seems to remain for G. R. to explain *in what respect* my proposal—*i. e.*, that we should let the natives understand, that having no desire to injure them, we are all agreed that we *would not* remove them if we could. On our own showing, *they* know that we cannot, without "assistance," which *we know* the home Government would not grant, *if it could.*

Such being *my* proposal, and having shown that nearly ten years of entire tranquillity has followed the favorable reception by the colonists of a similar proposal in February, 1849, it remains for G. R. to explain in what respect my system is *comparatively* "mischievous!"

This is only to be explained by supposing that he attaches some peculiar meaning to the word, and for his meaning I must consult his evidence.

I shall not repeat the offence of citing any thing said "while judgment was necessarily immature," but shall give, in illustration of the meaning of "mischievous," a "practical suggestion" offered by this witness to the Kafir Commission, which "two years and a half" of longer experience, and closer observation, had not furnished grounds either to retract or to modify, *especially the practical suggestions*," further enforced as "carefully considered views and convictions."

"A mischievous custom prevails," (said my coadjutor in January, 1853. and if the "system advocated by" me be not *more* "mischievous," I do not object to the word; merely submitting, deferentially, that the "proposal submitted to the Duke of Newcastle, in 1854, as above specified (the "endorsements" of Messrs. Pine and Macfarlane notwithstanding), was not *comparatively* innocuous)—G. R. continues—"of giving snuff and tobacco to Kafir servants, the former of which is in almost universal use to excess amongst them. This practice should, by all means, be discountenanced, if not legally forbidden."

There are, it is true, certain "red tape" prejudices among "officials" against interfering with practices not positively immoral, especially when "almost universal."

2nd. But here, also, were "grants in compensation," "and in lieu thereof (says G. R.) any extra duty might be rewarded with—sugar, raisins, or simple sweetmeats, for which they have a great liking." There were contingent advantages also—"Besides

(he continues) the use of such things might be made auxiliary, on the locations, to practical instructions in the cultivation of the sugar-cane and the vine."

The saccharine policy thus advocated may throw light on the intended meaning of the word "mischievous." To myself (though a snuff-taker) my system seems yet more harmless than that for which it was proposed to substitute sugar-plums!—(more than I could venture to say of "evoking dormant labour" by "confiscation," and the torch—a scheme confessedly attended with "danger," and, as I think, *with sin.*

But believing, as *he* does, that the national faith is *not* pledged, or that, if it were, "substantial faith—faith in the highest sense, as regards their own welfare, would be best kept by breaking up the locations," and thus that no moral barrier stands in the way, what possible objection can G. R.—*the politician*—offer to a *modus operandi*, "another of his 'practical suggestions," his "well considered views and convictions," by which, *on precisely the same principles*, the same "desirable end" of "evoking dormant labour," may be—and has been—attained, if not altogether without danger, with infinitely less danger.

"Finally, I would urge the establishment in the principal towns, if not on all the locations, of *a simple system of banking for the natives*, which, *in order to secure their confidence*, should be under the sanction and direction of the Diplomatic Agent (*i.e.*, Mr. Shepstone), but Government should have the custody of the monies deposited, and *be responsible for their re-payment.* The natives should be encouraged to deposit the smallest sums—the surplus fruits of their labour and industry."

Precisely the manner in which their "confidence" *had been* secured by the same Mr. Shepstone, as the agent of the Government that placed them in possession of their lands.

That Mr. Shepstone had *somehow* earned their "confidence" was acknowledged in the report—where it was suggested, that "their confidence" should be turned *to the public account*, as a means of inducing "from 30,000 to 40,000 of the Kafirs to consent to the "Exodus" proposed by Mr. S., to some land where he might indulge the hope that promises made in Her Majesty's name might possibly be held inviolate!

"The Commissioners * * expect that, if led by those *in whom they have confidence*, the full number necessary to be removed, would agree to the proposal," * * without the necessity of using force, if the removal be properly explained to the Kafirs, *and placed before them in the shape of a proposal intended for their benefit.*"

On what conceivable principles can any one object to turning the "confidence" of the same people, in the same man, as the agent of the same Government, *to public account* on this occasion also? In morality, both proposals are precisely alike. On *that* point G. R. is satisfied—and as it cannot be denied that "the monies deposited" might be much more easily and safely "confiscated" than the cattle, *why not confiscate the said deposits*? so soon as the "difficulties at first attendant upon the measure, from the suspiciousness of the native character, and their grasping love of *imali*," have, through the "confidence" aforesaid, been so far surmounted as to have brought within easy reach a sufficient amount of "the smallest sums, the fruits of labour and industry?"

When my former coadjutor first laid it down that "the best way of keeping faith was" (in effect) to break it, I could not help reminding him that the repudiation of a just debt had once elicited from the sensitive sufferer the reply—"your principles, which are merely ridiculous in theory, are detestable in practice!"—*minus* his £1,000, Burdett's reproof will stick to Cobbett's memory when his "gridiron" is forgotten—and I confess I would not willingly be one of the "magistrate's police forces" sent to ascertain practically how the same *sentiment* finds expression in the Kafir language, while "confiscating cattle," and burning huts, on land where the owner had been "squatted" by force, and retained by "confidence." But now that those principles have been avowed—now that we know how "faith may be best kept"—no amount of casuistry can divise any other objection to this mode of "confiscation" than that *it could never be repeated;* an objection that applies to the other mode of "evoking dormant labour" with greatly increased force; for that could not fail to "evoke" *something else*—in short, to add to "barbarism"—that unmitigated and perpetual *enmity* which (with G. R.'s permission) I hope to prevent.

This writer has, as I have said, been *personally* courteous; but I appeal to his countrymen elsewhere whether he has, as couteously invited, passed a *fair* judgment on my facts? for I might grant *all* that his correspondents have contended for, without affecting the question; he has also permitted his paper to become the vehicle of an amount of coarse vituperation (from one or two writers) from which it might be concluded elsewhere that, in the eyes of a British community, it was positively immoral and disgraceful for a man to state facts within his own knowledge, which he deemed it due to the national honor, no less than to the slandered reputation of his deceased superior, and to *his own*, should be correctly understood; facts, also, tending to remove apprehension from the minds of an immense numerical majority of our population, and thus to tend to the peace and prosperity of the colony. G. R. cannot, therefore, fairly complain that his reasoning has been subject to this test.

His notice of 22nd July having concluded with the words—"Fortunately for the interests alike of the colony and of the Kafir, the proofs are triumphantly clear and distinct on these points"—(namely, that they have no right to their lands)—and, as confidently stated by one of his correspondents, "they are likely to have their dormant labour evoked" *in the manner in which it was proposed in* 1854, that "that desirable end" should be attained, I must next give his only remaining notice of the subject (12th August.)

Before citing this, however, I wish it to be fully understood, that so far from having added any kind of *coloring* to that proposal, I have, as yet, said nothing of the still more "bewildering and astounding" modifications "proposed by Mr. Pine, in the dispatches which (albeit *still* unread!") Mr. Macfarlane holds to have been "adopted and endorsed by a solemn and matured act of the Legislature!"

Just as G. R., in his evidence, proposed "mildly to discourage the use, among the natives, of beads," &c., by the imposition of a *quadruple* import duty," do Mr. Pine's mild "modifications" increase, *in exactly the same proportion*, the "physical impracticability" of the scheme, as to the *extent* of land necessary. In other respects, the difficulties are, on his own showing, increased much more than *tenfold*; while, as to the *moral* atrocity of the scheme, by withholding from his subordinates the full knowledge he had evinced of the national obligations—(in a manner altogether unequivocal, and hitherto not mentioned by me)—he held an entire monopoly, thus absolving from a shadow of blame *all* his subordinates, who were bound to adopt the views of the executive, on this, the main point.

It must, therefore, consistently with the opinion recently announced by this writer, have been with reference to the bright opening prospects last noticed, of their labour being speedily evoked "for their own welfare," *in manner aforesaid*, that G. R. has favored the public with the following most gratifying notification:—

"The native hut tax has reached the unprecedented amount of nearly £11,000: *it is paid with the utmost readiness, and almost eagerness, and the state of the native mind was never more satisfactory!*"

Neither then, nor since (and a month has elapsed), has the writer, who rarely indeed omits an opportunity for edifying comment, attempted *to account* for this happy state of things, apparently because—*consistently with his previous notice—it is altogether unaccountable.* According to the views entertained by *me*, on the other hand, it is quite natural, and all but inevitable.

He admits that, in *some* unexplained "sense," the Government is pledged to the locations—I have proved that the Government is pledged in the literal, obvious, and honest sense—that in which we desired to be understood; and the uncontradicted (but ignored) evidence proves that, in that sense, *we were understood*—which settles the whole question!

A highly intelligent American, who had the best opportunities for studying the native character (Ev. 5, 22) said of them—"As they know not exactly how to state and define those rights, as do men of more moral and mental refinement; so, also, they know not how to defend them, with the science and refinement that others would wish them to employ. *But, for all this, the defence of their rights, when once they have addressed themselves to the task, will not be less earnest than* THE FEELING IS DEEP THAT THEY HAVE THEM."

Honored—beyond the residue of the ignored evidence—the sound logical deductions, and high philosophy of this "foreigner" was graced with special "condemnation," both in the report and in the despatch.

But G. R, in fewer words, says the same thing in his evidence—"They understand justice *keenly*"

As he has not thought fit, on this occasion, to furnish—(*more suo*)—any hypothesis to account for the present "satisfactory state of the native mind," I shall take the liberty of submitting one for his consideration; for it may be easily understood that my former official position, and the consequent relations between giver and receiver, have given me much better opportunities than most others for acquiring a sufficiently exact knowledge of the pulsations of "the native mind" in a matter which, to them, was, a few years ago, one of intense interest, and the subject of deep and frequent deliberation. *Why* do they pay the hut tax "almost eagerly?" but because G. R. was quite right, eight years ago, when, in common with many others, he testified, that that tax was "regarded by the natives *as a sort of quit-rent*;" they believe themselves secure for the current year. Thus showing that *all* confidence has not been destroyed!

It can hardly be supposed that a people amongst whom the inconsiderate threats of some ignorant traders—as to the supposed intentions of the white men rapidly spread from kraal to kraal, and led to prolonged consultation in all parts of the colony—regard with indifference what has been publicly said of their land rights generally, by persons in authority. Who hears now, as in 1853, that "What is to become of us?"—"where are *we* to go to?" are common exclamations amongst the thousands who surround us; as was stated in evidence by the magistrate Fynn, who had then "lived amongst Kafirs for twenty-eight years;" or, as then testified by Mr. Shepstone, that "they *know* they are only tolerated *so long* as we do not feel ourselves strong enough to do otherwise;" and many such notices of the period, all clearly indicative of the feeling, deduced from acute observation, and earnestly deprecated by Earl Grey in December, 1846, in the despatch which (entirely according, as it did, with our own observation) then encouraged and stimulated the Local Government *to secure the peaceful relations of all classes, by securing land rights to all.* (When will the colonists understand that I am pleading *their* cause?)

It should be clear, to ordinary minds, that the natives do not "pay their taxes readily," in consequence of the prospects *recently* held out, in the *Natal Mercury*, of their speedy removal to good gardens (which we have been unable to find for ourselves), on pain of having their cattle "confiscated," and their "huts burned down," and all for "the desirable end" of "evoking their dormant labour" by some other kind of "industrial training," than that indicated by the finger of Divine Providence, and by the usual progress of human society, *through* their own fast-increasing wants; all this being, confessedly, contingent upon "the home Government granting us assistance," which, *for such purposes*, we well know, it *would never* grant—*if it could!*

When the Executive had its own motives for exciting a crusade of public sentiment against the natives, and these were constantly exclaiming, "what is to become of us?" G. R. would hardly have exposed himself to contradiction and ridicule, by announcing that "the state of the native mind was never more satisfactory!" and I shall try to explain why he has said this without contradiction now. As councillors are occasionally misled by their *clients* concealing *the main facts of the case*, two or three gentlemen here, who, of their own knowledge, knew very little of the matter, have been making the best of a bad case, and talking so loudly that their voice has been mistaken for that of the public. But this cannot alter the facts, either those which occurred *before* they landed, or those now before our eyes.

Beyond a simple assent, when my recollection was appealed to, and the two significant Kafir words for *sit still*—conveying far more in that language than in English—I am not aware that I have ever said a word, directly, to a native on the subject; but from a former member of a Government that had enjoyed their confidence, these two words were enough; together with a few explanations in proper quarters, they conveyed something equally intelligible, and far more satisfactory, than the shake of Burleigh's head. In short, the natives understood, and have *long understood*, the true character of the labours of the Kafir Commission of 1853.

They believe, and have *long* believed, that with solitary exceptions, the white inhabitants (of whose friendship and good-will they well know the value) would be the last to wrong them, and that any proposal to treat them unjustly would not only be rejected in England, but would also be scouted by "the vast majority of the colonists," however confidently particular doctrines, and the contents of particular papers, not duly examined, may have been taken on trust by some, who think by deputy.

Is it still asked *why* "the state of the native mind was never more satisfactory?"

G. R. must be well aware how many *willing* channels there are among witnesses whose testimony was ignored, among persons who were in the colony in February, 1849, when the white man formally and "cordially approved" of certain native locations, who would gladly convey to "the native mind" these words of the late Secretary to Government, then Speaker of the Legislative Council, who had made, or attested, *all* those promises, as published, under his own signature, on the 18th June, 1857—"*They have not been forgotten* by the natives, *nor by those* whose duty it was to stake those solemn pledges of the national honor, and to enforce them by their own assurances of their liability."

I must presume that this reached "the native mind" in the shape of something "intended for their benefit," probably much in the shape of G. R.'s own good words in November, 1850—"Even a madman cannot vault over these stern and impassable barriers. LET, THEREFORE, THE COLONY AND THE COLONISTS REST IN PEACE."

Hence it is, *to the best of my knowledge and belief*, that in the latest notice of the subject, G. R. has been enabled to say, without contradiction, and I trust truly—"*The state of the native mind was never more satisfactory.*

It would not be fair to the distant reader were I not to add G. R.'s notice of the 8th July, which I had mislaid—"From all that we can learn, the Speaker's lecture, in both its matter and its spirit, is condemned alike by friends and foes—we mean, of course, political foes, for we know not that the lecturer has any other; and the policy he advocates we do not believe has a single supporter, either in or out of office, besides himself." Now, as nothing can be more wrong than to think one's self the only one right, I had better capitulate at once, lest my supposed political foes should become personal foes also.

If all here, "in and out of office," are agreed that men located under the orders of March, 1846—*as the witnesses I have named say they were located*, can be justly removed to other locations. *Let that agreement be shown*, and I yield *on the terms originally offered.*

These are—first, the "indispensable preliminary"

of *first finding* other locations such as have been described. For myself, I can see such nowhere but in the general expressions of the report, that "there is abundance of land," "no necessity for placing the Kafirs on bad land;" that only about five out of our twelve millions of acres had been granted—and in "the eight millions of acres" to be found in Mr. Macfarlane's address to his electors. My "senile" spectacles can see *no room* on Mr. Pine's map of 1850, "among the white inhabitants," for eight locations of 25,000 each, as proposed in the report; but when I look at the more recent map of Mr. Watts, I can see no room for *one*, and, if I mistake not, an Emigration Committee of the Legislative Council were not more successful, having seen (I think in G. R.'s paper) a letter from their chairman to the effect, that there was no land, and (though they had hoped to find some in the locations) in point of fact they offered no land to emigrants.

If we could safely assume, with Mr. Pine, that "the Kafirs will be great gainers by the exchange" of what they *have*, for what they have *not*, "their grasping love of imali" would do the rest, for they would run thither so fast, that infantry could not come up with them!

But *we say* that they *will not* move, unless "the Home Government will grant assistance" to compel them; or until there be "a more equal balance" (than 6000—or 8000—to 120,000). Now, *if* the Home Government *will grant assistance*, or in any way adjust "the balance," to our general satisfaction, I yield on this point also—and as we say that, as "infantry fully accoutred cannot come up to, or keep up with the Kafirs," "cavalry is the arm," we shall not fall out about a few odd thousands of mere dragoons, *if* the Home Government (in addition to the will) should have *the power* (for there are calls, not less urgent, elsewhere.) Let us have, then, say twenty thousand, or even two thousand (for were we, with Mr. Pine, to ask for a trumpery two hundred, the home Government might ask, "are your subjects sheep? If so, *where is the necessity for your measure?*")

For the legitimate purpose of enforcing that *respect for justice, on which mainly depends the peace and prosperity of Natal*, I have always been of opinion—with sundry Secretaries of State—that the last-mentioned number of cavalry should be our *minimum* share of imperial protection, and which, ultimately, Natal would richly repay; but we may rely on it, that to grant us that assistance *for unjust purposes*, would be to seal our ruin; and this, I trust, is the prevailing opinion "in and out of office."

CORRIGENDA.

Page	2—7th	paragraph,	for "1635," read "1685."
„	4—8th	„	for "violation of *a*," read "violation of, *or*."
„	7—8th	„	for "*laid* claims," read "*land* claims."
„	8—3rd	„	for "*representation*," read "*representative*."
„	13—8th	„	for "proofs *that*," read "proofs *of*."
„	18—6th	„	for "*now* justly," read "*more* justly."
„	19—10th	„	for "1840-7," read "1846-7."

N.B.—It must be stated, in justice to the president of the late Kafir Commission, that there has appeared, while this appendix was printing, a letter from a member of the Commission, stating that he was present at a meeting (not noticed in the printed minutes), when the president was authorised to sign the report on behalf of the Commission.

To the Editor of the Natal Witness.

25th September, 1858.

SIR,—The editor of the *Natal Mercury* having, on the 23rd September, "declined the last communication received from Mr. Moodie," and "returned" the same (as herewith enclosed), you will oblige me by inserting it in the next *Natal Witness*.

I am, Sir, your obedient servant,

D. M.

To the Editor of the Natal Mercury.

22nd September, 1858.

SIR,—It is stated in your last paper that "upon the question of *the absolute necessity of an extensive modification of the present location system*, fortunately no person, with the sole exception—as far as we are aware—of the Speaker of the Legislative Council, Mr. Donald Moodie, entertains the slightest doubt" * * "he is alone in his glory."

I seem to have been misapprehended. The question was thus stated by me—"Our present concern is with the 'Shepstonian system of Kafir locations'; that is, with *the fact of their establishment*, and not with *the policy of the measure*."

I have been endeavouring to demonstrate to my fellow-colonists, from printed official papers, dated anterior to the arrival of the majority of them, that *I was duly authorised to make, to the native inhabitants of those locations, in Her Majesty's name, the promises referred to in the evidence of the following witnesses.* I have also been trying to show that it is our interest, no less than our duty, to see that those promises are kept;—not to advocate "*a system.*"

Should my fellow-colonists see fit to follow the example set them by some of the authorities you have now appealed to, in *ignoring* that evidence, and *repudiating* those promises, I would not stand elsewhere than "alone in my glory;" but if these witnesses do no more, they will prove that I do *not* stand alone.

I am, Sir, your obedient servant,

D. MOODIE.

Extracts from Evidence before the Kafir Commission of 1853.

Part 2, p. 59—W. S. Davis, Wesleyan Missionary.—"Since 1846 I have resided in Natal. I believe the Natal Kafirs have hitherto looked on the English as their friends, and I should regret if that impression were removed by any act which they may, with reason, regard as a breach of faith on the part of the Government towards them; and as I conceive that an attempt to remove them from their present locations by force would be thus regarded, I am of opinion that, if we had the means, which I doubt, it would be unjust and impolitic thus to act."

"I am decidedly of opinion that the faith of the Government is as solemnly pledged to the natives in the permanent appropriation of the crown lands included in the locations to their use, as it is to the original emigrants found here in 1843."

"I would add, that from my intercourse with the natives, they themselves have been given to understand that the locations were secured to them permanently, unless they, at any time, rebelled against the Government."

C. L. Dohne, Missionary of the Berlin Society, p. 4 p. 12.—"I came to Natal in 1847. With regard to the state of the present locations, I am of opinion that the faith of the Government is pledged to the same, and that curtailing the same, or breaking them up altogether, or removing the natives to another district, would be a breach of faith *in any* (every) *respect.*"

"I am of opinion that any attempt to curtail or to cut up the present locations of the natives, or to remove them from the same, would be regarded by them as a breach of faith on the part of the Government, as well as of the white people altogether, for the native can quite perceive that the Government could only do so for the convenience of the white people."

And again, p. 33.—"Altering or doing away with the locations, &c., if carried out, will, I doubt not, result in fearful consequences, * * since it is a fact that the Government has pledged its faith to the locations, * * and since it is also a fact that those natives altogether have not disturbed the peace, * * so as to become liable to be justly punished and deprived of their rights and grants for so doing. * * Cut the locations shorter, or do away with, is soon said; but that rebellion, sooner or later, will be the result, is to be apprehended, just as has been the case with the Dutch. * * The Kafir reasons sometimes much stronger."

P. 26, Rev. Aldin Grout, American Missionary.—"I arrived in Natal (last) in 1840. As the locations were put in their present shape, and the people, in moving on to them, were told that the ground had been appropriated to their use, and they, in locating on them, understood that the ground was theirs, I would neither remove them from the locations, nor reduce their size. If force should be employed to remove them, I would anticipate bad results."

P. 23, Rev. L. Grout, American Missionary.—"These principles and pledges of faith were repeated and set forth, together with much more in the same spirit, in subsequent official documents of Her Majesty's Government, particularly in the instructions in 1846, for locating all the natives now within the district. * * May the generous and liberal Government, which has adopted this country for a colony, * * be enabled and disposed to carry out the just and humane principles on which it acted in its promises. Let it not be left to perpetrate wrongs, &c."

P. 13 p. 57, C. R. Peppercorne, Kafir Magistrate.—"I shall not hesitate, then, to say, that it would be a breach of faith of the most flagrant character either to remove the natives from their present locations, without their consent, or to reduce their extent. Their title to them is as good, at least, as that of any colonist to his farm. * * I consider them as minors, and the British Government as their trustees—an obligation that cannot be set aside."

P. 2, p. 7. J. N. Boshof, Registrar District Court (now President of the Free State)—"I came to reside here in 1840. I think it would be desirable to remove such locations altogether, if it could be safely or justly done." "On the part of the government it would be unjust to remove the Kafirs from their present locations against their will (even giving them a sufficient location elsewhere) after pledging them the peaceable possession of those lands, as pointed out by the Government, unless their conduct justified such a measure; and I think it would not only be unjust, but unwise."

1, p. 70. Theo. Shepstone, Diplomatic Agent "I have held office (here) since January, 1846. The Commission on which I served recommended all the locations, both as to extent and boundary."

"Were the Kafirs removed to the locations which were fixed, and now exist? In many cases they were."

"What were the Kafirs told when they were removed to the limits of these locations? They were told that they were crown lands, appropriated to their use."

"Were they led to believe that there would be any subsequent removal? No."

"Have they continued to reside there ever since? Yes, with individual exceptions."

"Don't you think the present locations might be reduced in size? I think it would be a very dangerous experiment?"

"Irrespective of aboriginal claims, those accorded to them by the public pledges of the Government are very strong, and have not been forfeited by them." "The locations, being appropriations solemnly made for their use, must be considered as grants to a class of people, because, as it appears to me, the faith of the Government is as much pledged in this act, as in the issue of a title-deed to an individual."

P. 3, p 13. J. M. Howell, Lieutenant Kafir Police—"I assisted Mr. Shepstone in locating some tribes * * I informed them that they would not again be removed, for which they expressed their thanks. It would indeed be a great breach of faith on the part of the British Government to remove those people without their willing consent, and an equivalent." "They must have suffered great loss in cattle and corn, in consequence of their removal from Klip River. I destroyed a great quantity of the latter."

Much more to the same general effect might be cited, and I find in evidence no direct contradiction, nor any adverse opinion, on the main point, but the following:—

P. 2, p. 41. Rev. J. Archbell—"In 1841 I received an appointment as Wesleyan minister at Natal," "nor have they (the Kafirs) any greater legal claim from the alleged pledges of the Government relative to locations. These were provisions never at any time ratified, either as to positive right, or as to boundaries, and liable to be broken up at any time," "merely provisional arrangements." "Their moral claim stands on higher ground—the Government stands pledged to grant the Kafirs at least a reasonable amount of land, in the locations or elsewhere."

"Don't you apprehend that it would be regarded as a breach of faith, on the part of the Government, if the present locations were reduced to the extent that you have proposed? It might be regarded as such by some, and the Kafirs might be taught to speak of it as such, but I cannot see that there can be any breach of faith in removing them according to a plan that might devised for their, and the country's, benefit."

I have struck out, as irrevalent to the immediate point, the opinions of this witness and another (W. Macfarlane), who deemed all "legal claims," or "all aboriginal rights or claims," to have been "done away" by the unconditional cession of Natal to the Dutch emigrants in 1839, by the King of the Zulus, but deem it fair to add that Mr. Archbell said (apparently with reference to what was said of "extreme danger," in October, 1851)—

"As far as my own experience goes, I see no fastnesses in Natal, to which the Kafirs could flee for security. There is no Fish River, Kieskamma, or Kie Bush here." * "I do not sympathise with the views expressed on this subject."

These samples of the doubly ignored evidence close my case; and, as far as I am concerned, this controversy is ended.

I have shown that I was the duly authorised organ through whom were made the promises referred to in that evidence.

Such weight as is due to the argument that "those whose duty it had been to make those promises, had enforced them by their own assurances of their inviolability," was added to them, *successfully*, in November, 1849, and and September, 1851, and *unsuccessfully* in November, 1851, and in April, and again in June, 1857.

It is for others to say whether it shall still be unsuccessful—whether, in the words of the American witness above cited—"A generous and liberal Government * * shall carry out the just and humane principles on which it acted in its promises," or "be left to perpetrate wrongs."

The controversy should close here on other grounds, for that question has been very distinctly answered.

It was with reference to the promises testified by these eight witnesses, that, in the latest known instructions on the subject, one of Her Majesty's Ministers for the Colonies ordered the Natal Government (in February, 1852) to be "particularly careful to avoid giving the slightest grounds for reproaching the Government with bad faith towards the natives. To incur that reproach would be to lose one of the main elements of our power."

And another (in July, 1852)—"I feel it my duty to insist, as long as I have the power, on the most rigid good faith being observed in all land transactions with the natives, as essential both to justice and to the maintenance of that good feeling on the part of the numerous tribes established in Natal, which is all important to British interests in the colony.

D. M.

25th September.

To the Editor of the Natal Witness.

Sir,—I would wish to bring under the notice of your readers (with reference to the numerous unkind remarks made, from November, 1851, downwards, against those who were of opinion that the locations had been assigned to the natives *permanently*), a *new* piece of evidence that has just unexpectedly fallen under my notice, and is equally open to all.

I have explained that, previously to the issue of the confirmatory proclamation, the late Mr. West took measures to elicit the public opinion. The result may be seen, published in the *Government Gazette* of the 20th March, 1849, in which appears a letter of the 5th of the same month, signed by the Rev. J. Archbell, as "chairman of a public meeting" convened on the subject, and also "president of their committee," stating it to

be the opinion of the public here—"cordially concurred in" at Durban—that certain native locations should be established, it being explained that these suggestions were made "*on the supposition that their places of residence become* PERMANENT," that "supposition" having been fully warranted by the terms of the Government Notices of 1846.

This, if credit be due to the official letter of a chairman elected by the public (supported by the attestation of Mr. Chisholm on the part of the inhabitants of Durban), published at the time in the *Government Gazette* (and further supported by the solitary protest of one gentleman, in the next week's *Gazette*), the "supposition that their places of residence become permanent" was then *formally approved and adopted by the public.*

I leave it for your readers to form their own conclusions on this proof *positive.*

I am, your obedient servant,

D. MOODIE.

October 14th, 1858.

CORRIGENDA IN POSTSCRIPT.

Page 22—2nd paragraph, for "25th October, 1853," read "26th."
" 23—2nd " 2nd column, for "*effected,*" read "*affected.*"
" 23—2nd " 2nd " for "*same,*" read "*seven.*"
" 25—1st " 2nd " for "*subject,*" read "*subjected.*"
" 26—7th line, 2nd column, for "*councillors,*" read "*counsellors.*"
" 26—4th paragraph, 2nd column, for "*liability,*" read "*inviolability.*"